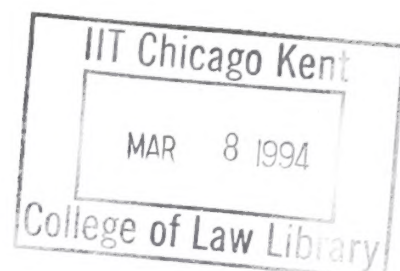


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1994

Illinois Register

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1994

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 21, 1993	Dec. 28, 1993	1	Jan. 7, 1994	June 28, 1994	July 5, 1994	28	July 15, 1994
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May 17, 1994	May 24, 1994	22	June 3, 1994	Nov. 22, 1994	Nov. 29, 1994	49	Dec. 9, 1994
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June 21, 1994	June 28, 1994	27	July 8, 1994	Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: FEES FOR RADIOACTIVE MATERIAL LICENSES2) Code Citation: 32 Ill. Adm. Code 3313) Section Number:

331.10

331.20

331.30

331.110

331.120

331.130

331.200

Appendix B

Appendix D

Proposed Action:

Amendment

Amendment

Amendment

Amendment

Amendment

Amendment

Repealed

New Section

4) Statutory Authority: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 [420 ILCS 40/11].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to modify its rules pertaining to the collection of fees from persons who apply for or hold radioactive material licenses. Collection of such fees is authorized by the Radiation Protection Act of 1990 and is necessary to cover, in part, the costs associated with the implementation of radiation safety programs by the Department to ensure the safety of Illinois citizens. The Department is proposing to repeal the current fee schedule, codified as Appendix B and replace it with a new fee schedule, which will be codified as Appendix D. The Department is proposing to clarify how fees are assessed to educational institutions that seek or possess licenses authorizing human use or remunerated services to others. In addition, the Department is proposing to add another fee category to Section 107, change categories 107B, 107C and 109 to "full cost" licenses, adjust the full cost deposit for category 107D and increase the full cost hourly rate from \$75 to \$90 an hour. Finally, the Department is proposing to clarify some fee descriptions and make minor editorial changes in Sections 331.10, 331.20, 331.30 and 331.120.

6) Will this proposed amendment replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

10) Statement of Statewide Policy Objectives: The Department is proposing to change the fees for category 107B, 107C and 109 licenses to full cost. This will mean that units of state, county, and municipal governments will no longer be exempt from the fees for these types of licenses. However, the Department does not believe that there are any units of state, local or municipal governments licensed to engage in these activities. Therefore, the change to full cost fees for these licenses will not have an effect on units of governments and will not require units of governments to establish, expand or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Valerie Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department believes that these amendments may affect small businesses that are licensed by the Department to possess, use, distribute, store, treat or dispose of radioactive materials. The Department believes that these rules will not have any direct impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking requires only the payment of a fee incident to licensure and consequently does not require licensees to perform reporting, bookkeeping or other procedures for achieving compliance.

C) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 331
FEES FOR RADIOACTIVE MATERIAL LICENSES

Section	Purpose
331.10	Scope
331.20	Definitions
331.30	Exemptions
331.110	Payment of Fees
331.120	Refunds
331.130	Full Cost of Review
331.200	Schedule of Fees For Radioactive Material Licenses (Repealed)
331.210	Failure By Applicant or Licensee To Pay Prescribed Fee
331.310	SCHEDULE OF LICENSE FEES (Repealed)
331.APPENDIX A	TABLE A: LICENSE FEES - JAN. 1, 1988 - DEC. 31, 1988 (Repealed)
	TABLE B: LICENSE FEES - JAN. 1, 1989 - DEC. 31, 1989 (Repealed)
	TABLE C: LICENSE FEES - JAN. 1, 1990 - DEC. 31, 1990 (Repealed)
331.APPENDIX B	FEE SCHEDULE FOR RADIOACTIVE MATERIAL LICENSES (Repealed)
331.APPENDIX C	FEE SCHEDULE FOR SEALED SOURCE AND DEVICE EVALUATIONS (Repealed)
331.APPENDIX D	FEE SCHEDULE FOR RADIOACTIVE MATERIAL LICENSES

AUTHORITY: Implementing and authorized by Section 11 of the Radiation Protection Act of 1990 (P.A. 87-637, effective January 1, 1992) [420 ILCS 40/11].

SOURCE: Adopted at 10 Ill. Reg. 17239, effective September 25, 1986; amended at 11 Ill. Reg. 20570, effective January 1, 1988; amended at 15 Ill. Reg. 90, effective January 1, 1991; amended at 16 Ill. Reg. 11479, effective July 7, 1992; amended at ___ Ill. Reg. ___, effective ____.

Section 331.10 Purpose

~~The regulations in this Part establish the fees charged for radioactive material licenses, and sealed source and device evaluations conducted in support of radioactive material licenses issued by the Illinois Department of Nuclear Safety (the Department) as authorized under Section 11 of the Radiation Protection Act of 1990 (P.A. 86-1341). This Part shall not become effective for licenses authorizing the receipt, use, possession, storage, or disposal of byproduct material as defined in 4(a) of the Radiation Protection Act of 1990~~

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(P.A. 86-1341) (i.e., licenses included in category 106A of Appendix B) until an agreement is entered into by the U.S. Nuclear Regulatory Commission and the State of Illinois which transfers to the State regulatory authority over such material.

(Source: Amended at Ill. Reg. ____, effective ____)

Section 331.20 Scope

Except for persons who apply for or hold only licenses exempted in Section 331.110, the regulations of this Part apply applies to any person who is an applicant for, or holder of, a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601, or a sealed source or device evaluation issued to a radioactive material licensee.

(Source: Amended at Ill. Reg. ____, effective ____)

Section 331.30 Definitions

The following definitions are applicable for use in this Part only.
Additional definitions for use in this Part are located in 32 Ill. Adm. Code 310.20.

"Application" means a request filed with the Department for a license, amendment, amendment to terminate a license, renewal, sealed source or device evaluation, amendment to a sealed source or device evaluation, or amendment for an exemption granted by the Department pursuant to 32 Ill. Adm. Code: Chapter II.

"Amendment" means a modification in the license document that reflects changes to a radiation safety program or a sealed source or device evaluation which do not meet the criteria of a minor amendment.

"Amendment fee" means fees assessed for modifying a previously approved sealed source or device evaluation, or for modifying a license to increase the number of permanent jobsites listed on the license, to add a new material use category or to change the radiation safety program at a licensed facility. For licenses based on the full cost of review "Amendment fees" do not include the fee associated with processing a "minor amendment".

AGENCY NOTE: For licenses based on fixed fees, there is no fee assessed for amendments to change the radiation safety program. The cost to the Department for processing such amendments is incorporated into the fixed license fee. For licenses based on

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fixed cost, fees for adding additional jobsites or for adding additional material use categories are assessed in accordance with Section 331.120.

"Category I irradiator" means a gamma irradiator in which the sealed source is completely contained in a dry container constructed of solid material, the sealed source is shielded at all times, and human access to the sealed source and the volumes undergoing irradiation is not physically possible because of the design of the irradiator.

"Category II irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a dry container constructed of solid materials, is fully shielded when not in use, and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Category III irradiator" means a gamma irradiator in which the sealed source is contained in a storage pool (usually containing water), the sealed source is shielded at all times, and human access to the sealed source and the volume undergoing irradiation is physically restricted in its design configuration and proper mode of use.

"Category IV irradiator" means a controlled human access gamma irradiator in which the sealed source is contained in a storage pool (usually containing water), is fully shielded when not in use, and is exposed within a radiation volume that is maintained inaccessible during use by an entry control system.

"Confirmatory environmental monitoring" means those surveys conducted by the Department either to establish whether the licensee has complied with the concentrations and exposure limits specified in 32 Ill. Adm. Code 332, 340, 601 or 606, or to provide data to evaluate potential health and environmental impacts resulting from licensed activities.

"Dispensing" means to remove aliquots of radioactive material from bulk stock and distribute portions to another licensee or to a person exempt from licensure.

"Distribution" means the transfer of radioactive material to three or more licensees or persons exempt from licensure pursuant to 32 Ill. Adm. Code 330 or 332.

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"Educational institution" means a non-profit organization which has as its primary purpose the advancement of knowledge in one or more specific fields and which is accredited by the North Central Association of Colleges and Schools.

"Evaluation fees" means fees assessed for evaluation of new sealed sources or devices.

"License fees" means fees for new radioactive material licenses or renewal of existing radioactive material licenses as specified in 32 Ill. Adm. Code 330.330, 332.120 or 601.130.

"Manufacture" means the dispensing or processing of radioactive material or the assembly of radioactive material as sealed sources into devices.

"Materials license" means a radioactive material license issued pursuant to 32 Ill. Adm. Code 330, 332 or 601.

"Material use category" means the category described in Appendix B D that represents the use of radioactive material authorized by the licensee license or the requested authorized use submitted by the applicant.

"Minor amendment" means changes to a radiation safety program which are administrative in nature, such as changing the name of the Radiation Safety Officer or changing the users specified on a radioactive material license. A fee is charged for minor amendments to licenses when the initial license fee is based on full cost of review.

AGENCY NOTE: Although all licensees are required to obtain amendments prior to instituting administrative changes in the radiation safety program, no fee is assessed for minor amendments to licenses for which a fixed fee is prescribed in Appendix B D. The cost to the Department of processing minor amendments to such licenses is incorporated in the initial license fee.

"Permanent jobsite" means any location where licensed material is stored or used for more than 180 days during any consecutive 12 months.

"Processing" means the preparation, manipulation or conversion of radioactive material.

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"Temporary jobsite" means any location where licensed material is used or stored for 180 days or less during any consecutive 12 months.

"Treatment" means any method, technique or process, including storage for radioactive decay, designed to change the physical, chemical or biological characteristics or composition of any waste in order to render the waste safer for transport, storage or disposal, amenable to recovery, convertible to another usable material or reduced in volume. (Ill. Rev. Stat., 1989, ch. 111½, par. 241-3) [420 ILCS 40/3]

(Source: Amended at Ill. Reg. _____, effective _____)

Section 331.110 Exemptions

No fees as described in Section 331.120 shall be required for:

- a) ~~a~~ A general license issued pursuant to 32 Ill. Adm. Code 330.210, 330.220(a), (b), (c), (d), (e), (g) or 330.900(a)(2) and (b)(2).
- b) ~~a~~ A license for possession and use of radioactive material issued to an agency of a state, county, or municipal government, or any political subdivision thereof. This exemption does not apply to licenses for which the license fee is based on full cost, licenses which authorize distribution of radioactive material, or licenses authorizing services to any person other than an agency or political subdivision of the state, county or municipal government.
- c) ~~a~~ A license for possession and use of radioactive material issued to an educational institution as defined in Section 331.30. This exemption does not apply to licenses that authorize human use or remunerated services to others.
- d) ~~a~~ An application to amend a materials license for which the license fee is not based on full cost, that would not change the material use category or add additional permanent jobsites.
- e) ~~a~~ A license authorizing the use of source material as shielding only in devices and containers, provided, however, that all other licensed material in the device or container will be subject to the fees prescribed in Appendix B D of this Part.
- f) ~~a~~ An application to change the status of a sealed source or

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device evaluation from "active" to "inactive". For purposes of this exemption, a sealed source or device evaluation is designated "active" if new sources or devices are being manufactured and/or distributed for use. An evaluation is designated "inactive" when such sources and devices are no longer manufactured for commercial distribution.

(Source: Amended at Ill. Reg. ____, effective ____)

Section 331.120 Payment of Fees

Fees for licensing actions and for evaluations of sealed sources and devices shall be assessed and paid as follows:

- a) For licenses that Appendix B D specifies as being assessed a fixed cost license fee, fees shall be assessed for application for new licenses, amendments to add or change material use categories, amendments to increase the number of permanent jobsites, and renewals of existing licenses. Fixed cost license fees shall be assessed as follows:

- 1) Unless a license or amendment is exempt under Section 331.110, or the license fee is to be based on full costs (see Appendix B D), each application for which a fixed fee is prescribed in Appendix B D of this Part shall be accompanied by a remittance in the full amount of the fee. No application will be processed prior to payment of the full amount specified.
- 2) For applications covering only one material use category, the prescribed fee shall be the fee for the appropriate category as specified in Appendix B D. For licenses covering more than one material use category, the fee shall be 100% of the highest fee for a material use category for which a license is sought fee is due, plus 30% of the fee listed for each other material use category for which a license is sought fee is due.
- 3) Multiple use locations: For additional permanent jobsites where radioactive material is stored or used under the same license, the applicant must submit 20% of the applicable material use category fee for each additional site. The total additional fee submitted for multiple use locations shall not exceed 100% of the application fee for that material use category.

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- 4) The license fees listed in Appendix B D are assessed for the term of the license.

- 5) A licensee requesting renewal of a license shall pay the license fees specified in Appendix B D that will be in effect upon the expiration date of the license. Applications for new licenses or amendments will be assessed fees specified in Appendix B D based upon the date the application is received in the Department.

AGENCY NOTE: Although 32 Ill. Adm. Code 330.330 requires licensees to request renewal of a license not less than 30 days prior to the expiration of the existing license, renewal fees will be calculated based upon the fees in effect on the expiration date of the license.

- 6) An educational institution (as defined in Section 331.30) that seeks or has a license authorizing possession and use of radioactive material for human use or remunerated services to others shall pay 100% of the highest fee category for which a fee is due. For licenses covering more than one human use or remunerated service category, the fee shall be 100% of the highest fee for a material use category for which a fee is due, plus 30% of the fee listed for each other material use category for which a fee is due. This fee will be assessed beginning with the first licensing action taken after the effective date of this amendment.

- b) For licenses that Appendix B D specifies are to be assessed fees based on full cost of review, fees shall be assessed for all evaluations, inspections, amendments (including minor amendments and amendments to terminate a license) and for monitoring of unlicensed properties contaminated with byproduct material (as defined in 32 Ill. Adm. Code 332.20) and assessing the decommissioning and decontamination activities at such properties. Fees based on full cost license reviews shall be paid as follows:

- 1) Effective January 1, 1991, for license categories based on full cost review, the licensee will be billed quarterly or when the Department has incurred \$25,000 ~~40~~ unpaid full cost expenses, (as defined in Section 331.200(c)) in excess of the amount of the deposit, whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 45 days of receipt of the bill.

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2) Effective January 1, 1991, when For the first application, other than an application for a minor amendment, is received from a licensee after the effective date of this amendment, for which Appendix B D specifies that the review charges are based on full costs, the applicant shall submit the deposit prescribed in Appendix B D of this Part. Licensees that already have adequate deposits on file with the Department are not required to resubmit a deposit. The licensee will be billed quarterly or when the Department has incurred \$25,000 in unpaid full cost expenses (as defined in Section 331.200(c)) in excess of the amount of the deposit, whichever is earlier. Each bill will identify the applications and the costs related to each. Payment is due within 45 days of receipt of the bill.

3) Applications for minor amendments to licenses subject to full cost reviews as specified in Appendix B D, shall pay those fees identified as minor amendment fees at the time the amendment is filed with the Department.

c) For evaluations of new sealed sources and devices, and amendments to existing sealed sources and device evaluations, fees shall be assessed based on the full cost of review. ~~Beginning on the effective date of this amendment, each~~ Each application for an evaluation of a new sealed source or device, or for an amendment to an existing sealed source or device evaluation, shall be accompanied by a deposit in the amount of \$500.00. The applicant will be billed quarterly or when the Department has incurred \$500 in unpaid full cost expenses, as defined in Section 331.200, whichever is earlier or issued a refund upon the completion of the review. Each bill will identify the applications and the costs related to each. Payment is due within 45 days of receipt of the bill.

d) Adding material use categories:

1) An application for amendment to a materials license that would add a material use category with a lower license fee must be accompanied by the total fee due for each new material use category as determined by the following formula:

$$F = 0.06 * N * L$$

where

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F = Total fee due.
N = Number of years remaining on the license (partial years count as one full year in this calculation).
L = License fee for the new material use category.

2) An application for amendment to a materials license that would add a material use category with a higher fee must be accompanied by the total fee due as determined by the following formula:

$$F = (0.2 * H * N) - (0.14 * L * N)$$

where

F = Total fee due.
N = Number of years remaining on the license (partial years count as one full year in this calculation).
H = Higher fee required by new material use category.
L = Highest license fee for a material use category currently authorized by the license.

e) Adding multiple use locations: An application for amendment to a materials license that would increase the number of permanent jobsites must be accompanied by the ~~total~~ total fee due as determined by the following formula:

$$F = 0.04 * H * N * J$$

where

F = Total fee due.
N = Number of years remaining on the license (partial years count as one full year in this calculation).
H = The highest material use category applicable to the intended use of material at the new permanent jobsite.
J = The number of permanent jobsites to be added. If there are 5 or more permanent jobsites, then J is equal to 5.

AGENCY NOTE: Although a licensee may have more than 5 permanent jobsites, the maximum additional fee for multiple permanent

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jobsites is the license fee for the highest material use category applicable at the permanent jobsite.

- f) Reciprocity fees: Each application for reciprocal recognition of an out-of-state license under 32 Ill. Adm. Code 330.900(a)(1) or (b)(1) shall be accompanied by a remittance of 20% of the license fee for the applicable material use category indicated in Appendix B D of this Part. However, such fee is not required if the applicant has paid to the Department a reciprocity fee for that license within 12 months prior to the date of commencement of the proposed activity and the proposed activity will not extend past 12 months from the receipt of the reciprocity fee the applicant has paid.

- g) Fee payments: Payments shall be by check or money order made payable to the Illinois Department of Nuclear Safety.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 331.130 Refunds

The following rules will be followed by the Department when calculating refunds to licensees and applicants for materials licenses:

- a) For licenses for which a fixed fee is prescribed in Appendix B D, in the event that the Department terminates a license at the request of the licensee prior to the expiration date, the Department will issue a prorated refund of the license fees for each remaining full year for which the license fee was paid.
- b) For licenses for which a fixed fee is prescribed in Appendix B D, in the event that the applicant withdraws, or the Department abandons or denies an application prior to issuance of the license document, the Department will issue a refund totalling 80% of the total fee submitted for that license action.
- c) For licenses for which the license fee is based on full cost review, and for applications for sealed source and device evaluations, in the event that the applicant withdraws, or abandons, or the Department denies an application prior to issuance of the evaluation sheet or initial license, the Department will issue a refund totalling the deposit submitted for that application minus the full cost expenses incurred but not paid by the applicant. In the event the expenses incurred exceed the deposit, the applicant will be billed for the unpaid balance of full cost expenses as defined in Section 331.200. Each bill

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will identify the application and the related costs. Payment is due within 45 days of receipt.

- d) For licenses for which the fee is based on full cost review, and for sealed source and device evaluations, upon termination of the license or issuance of a sealed source or device evaluation sheet, the Department will issue a refund totalling the deposit submitted, minus any outstanding full cost expenses. In the event that expenses incurred exceed the deposit, the applicant will be billed for the unpaid balance of full cost expenses as defined in Section 331.200. Each bill will identify the applications and the related costs. Payment is due within 45 days of receipt.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

Section 331.200 Full Cost of Review

Fees for licenses, amendments, to terminate a license, renewals, evaluations for new sealed sources and devices, and amendments to existing sealed source and device evaluations, which are to be based on the full cost of review will be calculated based on the following:

- a) ~~the~~ The time required by Departmental professional staff to conduct the review, including license file ~~review~~, travel time, correspondence preparation, and supervisory and management review of specific actions, multiplied by the rate of ~~\$75.00~~ \$90.00 per hour; ~~and~~
- b) ~~the~~ The time required by Departmental professional staff to conduct inspections or perform conformity environmental monitoring, including license file ~~review~~, travel time, correspondence preparation, and supervisory and management review of specific actions, multiplied by the rate specified in subsection (a) above; ~~and~~
- c) ~~for~~ For licenses authorizing the possession and use of source material (as defined in 32 Ill. Adm. Code 310.20) and byproduct material (as defined in 32 Ill. Adm. Code 332.20), the Department's cost for overseeing decontamination activities at unlicensed properties ~~contaminated with radioactive material~~, including, but not limited to, travel time, correspondence preparation, supervisory and management review of specific actions, multiplied by the rate specified in subsection (a) above; ~~and~~

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- d) ~~the~~ The cost of standard lab equipment and supplies, special environmental monitoring equipment, and servicing of such equipment; and
- e) ~~the~~ The contractual support service costs, if any, incurred by the Department in conjunction with the review, inspections, and confirmatory environmental monitoring activities.

AGENCY NOTE: These support service costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the Department, and laboratory fees charged to the Department.

(Source: Amended at Ill. Reg. _____, effective _____)

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Section 331. APPENDIX B FEE SCHEDULE FOR RADIOACTIVE MATERIAL LICENSES (Repealed)

MATERIAL USE CATEGORIES

FEE PAYABLE:

Jan. 1-Dec. 31, ~~1991~~ Jan. 1-Dec. 31, 1992 Jan. 1, 1993 and after

101

Radioactive Material (as defined in 32 Ill. Adm. Code 310.20)

A. ~~Type A Broad Scope Manufacturing and Distribution licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material and for processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30;~~

License fee: ~~_____~~ \$13,562 ~~_____~~ \$16,274 ~~_____~~ \$19,529

B. ~~Other Manufacturing and Distribution licenses for possession and use of radioactive material and for processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30;~~

License fee: ~~_____~~ \$ 7,290 ~~_____~~ \$ 8,748 ~~_____~~ \$10,498

C. ~~Distribution licenses authorizing distribution of radioactive material~~

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or items containing radioactive material, not involving processing or manufacturing of radioactive material.

License fee: \$ 2,488 \$ 2,986 \$ 3,583

D. Category I Irradiator—
licenses for possession and
use of radioactive material
as sealed sources in a
Category I irradiator.

License fee: \$ 1,295 \$ 1,554 \$ 1,865

E. Category II, III or IV
Irradiator—licenses for
possession and use of less
than 10,000 curies of radio-
active material as sealed
sources in a Category II,
Category III or Category IV
irradiator.

License fee: \$ 4,231 \$ 5,077 \$ 6,093

F. Category II, III or IV
Irradiator—licenses for
possession and use of 10,000
curies or more of radioactive
material as sealed sources in
a Category II, Category III,
or Category IV irradiator.

License fee: \$ 8,280 \$ 9,943 \$ 11,932

G. Type A Broad Scope Research
and Development—licenses
(as specified in 32 Ill. Adm.
Code 500.21) for possession
and use of radioactive material
for research and development
that also includes commercial
distribution.

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License fee: \$ 3,484 \$ 4,181 \$ 5,017

H. Other Research and Develop-
ment—licenses for possession
and use of radioactive material
for research and development
that do not authorize commercial
distribution.

License fee: \$ 2,699 \$ 3,239 \$ 3,886

I. Service—licenses that
authorize services for other
licensees, including, but not
limited to, leak testing and
instrument calibration, but not
including waste disposal trans-
portation or radioactive waste
broker services.

License fee: \$ 3,629 \$ 4,355 \$ 5,226

J. Gas Chromatographs and X-Ray
Fluorescence Analyzers—licenses
for possession and use of radio-
active material in sealed sources
or detector cells for use in gas
chromatographs and x-ray fluor-
escence analyzers.

License fee: \$ 1,000 \$ 1,200 \$ 1,410

K. Other—all other specific
radioactive material licenses
not specified elsewhere in this
fee schedule, including, but not
limited to, licenses for possession
and use of radioactive material in
sealed sources for use in fixed
and portable gauges.

License fee: \$ 2,412 \$ 2,912 \$ 3,502

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102

Wireline Service Operations (as defined in 32 Ill. Adm. Code 351)

A. Wireline Service Operations—
licenses specifically authorizing
use of radioactive material for
wireline services, well surveys,
and tracer studies other than
field flooding tracer studies:

License Fee: \$ 3,298 \$ 3,958 \$ 4,749

B. Field Flood Studies—licenses
specifically authorizing use of radio-
active material for wireline services,
well surveys, tracer studies, or field
flood tracer studies:

License Fee: \$ 6,596 \$ 7,915 \$ 9,498

103

Industrial Radiography (as defined
in 32 Ill. Adm. Code 350)

Industrial Radiography at Permanent and
Temporary Jobsites—licenses specifically
authorizing use of radioactive material for
industrial radiography at permanent or
temporary jobsites:

License Fee: \$ 8,336 \$ 10,003 \$ 12,004

104

Human use of radioactive material

A. Type A Broad Scope Medical and
Teletherapy licenses (as
specified in 32 Ill. Adm. Code
330-270) authorizing human use
of radioactive material, in-
cluding research and develop-
ment, including use of radio-

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active material in sealed sources
contained in teletherapy devices
for human use of radioactive
material and for the irradiation
of other items:

License Fee: \$ 6,344 \$ 7,613 \$ 9,135

B. Teletherapy licenses for
possession and use of radio-
active material as sealed sources
contained in teletherapy devices
for medical use of radioactive
material and for the irradiation
of other items:

License Fee: \$ 4,168 \$ 5,002 \$ 6,002

C. Medical Use—licenses for human
use of radioactive material, except
licenses for radioactive material
in sealed sources contained in
teletherapy devices and Type A
specific license of broad scope:

License Fee: \$ 3,433 \$ 4,120 \$ 4,944

D. Diagnostic Medical Use—Licenses
restricted to only the diagnostic
human use of radioactive material
listed in 32 Ill. Adm. Code 335-
SUBPART D: Uptake, Dilution and
Excretion; SUBPART E: Imaging and
Localization; SUBPART G: Sealed
Sources for Diagnosis; and in vitro
kits, except as specified in
32 Ill. Adm. Code 330-220(f):

License Fee: \$ 2,477 \$ 2,972 \$ 3,567

E. Limited Medical Use—licenses
restricted to only the human use of
radioactive material specified in
32 Ill. Adm. Code 335- SUBPART D:

License Fee: \$ 622 \$ 746 \$ 895

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105

General licenses

General licenses (as specified in 32 Ill. Adm. Code 330-220(i))

License Fee: \$ 518 \$ 622 \$ 746

106

Source Material (as defined in 32 Ill. Adm. Code 310-20) and Byproduct Material (as defined in 32 Ill. Adm. Code 332-20)

A. Possession and Use of Source and Byproduct Material. Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of hypocaust waste material (tailings) from source material recovery operations as well as licenses authorizing the possession and maintenance of a facility in a standby mode:

License/Amendment Fee: \$25,000 \$25,000 \$25,000
Deposit \$ 500 \$ 500 \$ 500
Cost \$ 360 \$ 360 \$ 360

Minor Amendment Fee: \$ 250 \$ 300 \$ 360

B. License Fee. This does not include specific fees for possession and use of source material which require a specific radioactive materials license. This fee is for the license, authorizing the possession and use of source material. This does not include specific fees for the possession and use of source material.

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used for shielding or source material authorized for use in manufacturing operations as described in Material Use Categories 101A and B:

License/Amendment Fee: \$25,000 \$25,000 \$25,000
Deposit \$ 500 \$ 500 \$ 500
Cost \$ 360 \$ 360 \$ 360

Minor Amendment Fee: \$ 250 \$ 300 \$ 360

107

Radioactive Material Waste Disposal

A. Low Level Radioactive Waste Disposal facilities licenses issued pursuant to 32 Ill. Adm. Code 601 specifically authorizing the disposal of low level radioactive waste away from the point of generation:

License/Amendment Fee: \$25,000 \$25,000 \$25,000
Deposit \$ 500 \$ 500 \$ 500
Cost \$ 360 \$ 360 \$ 360

Minor Amendment Fee: \$ 250 \$ 300 \$ 360

B. Radioactive Waste Treatment facilities licenses specifically authorizing the receipt of radioactive waste material from other persons for treatment and transfer to a person authorized to receive or dispose of the material:

License Fee: \$15,926 \$12,110 \$22,936

C. Radioactive Waste Broker licenses specifically authorizing the receipt of packaged radioactive waste material from other persons:

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the licensee will dispose of the material by transfer to a person authorized to receive or dispose of the material.

License Fee: \$ 6,917 \$ 8,300 \$ 9,960

D. Other Radioactive Waste licenses for other waste disposal methodologies (e.g., 32 Ill. Adm. Code 340.3020 authorizations):

License/Amendment Fee:	\$25,000	\$25,000	\$25,000
Deposit + full	Deposit	Deposit	Deposit
Cost	Cost	Cost	Cost

Minor Amendment Fee: \$ 250 \$ 300 \$ 360

108

Nuclear laundries—licenses for commercial collection and laundering of items contaminated with radioactive material:

License Fee: \$ 5,683 \$ 6,820 \$ 8,183

109

Decontamination Facilities—licenses that authorize receipt of items contaminated with radioactive material for the purpose of decontaminating such items:

License Fee: \$ 6,820 \$ 8,183 \$ 9,820

AGENCY NOTE: The Department anticipates that at some point after January 1, 1993, it will be necessary to increase fees and revise the fee schedule accordingly. However, until such revision is promulgated by rulemaking, the fees in effect on January 1, 1993, will remain in effect.

(Source: Repealed at Ill. Reg. _____, effective _____)

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Section 331, APPENDIX D FEE SCHEDULE FOR RADIOACTIVE MATERIAL LICENSES
MATERIAL USE CATEGORIES

III PARALLEL

Effective Date of Rule

101

Radioactive Material (as defined in 32 Ill. Adm. Code 310.20)

A. Type A Broad Scope Manufacturing and/or Distribution—licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30:

License Fee: \$19,529

B. Other Manufacturing and/or Distribution—licenses for possession and use of radioactive material and for processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, including, but not limited to, manufacturing of a chemical mixture, compound, solution or alloy which is listed in 32 Ill. Adm. Code 330.30:

License Fee: \$10,498

C. Distribution—licenses authorizing distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material:

License Fee: \$ 3,583

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MATERIAL USE CATEGORIES

FEE PAYABLE:

Effective Date of Rule

D. Category I Irradiator - licenses for possession and use of radioactive material as sealed sources in a Category I irradiator:

License Fee:

\$ 1,865

E. Category II, III or IV Irradiator - licenses for possession and use of less than 10,000 curies of radioactive material as sealed sources in a Category II, Category III or Category IV irradiator:

License Fee:

\$ 6,093

F. Category II, III or IV Irradiator - licenses for possession and use of 10,000 curies or more of radioactive material as sealed sources in a Category II, Category III or Category IV irradiator:

License Fee:

\$ 11,932

G. Type A Broad Scope Research and Development - licenses (as specified in 32 Ill. Adm. Code 330.270) for possession and use of radioactive material for research and development that do not authorize commercial distribution:

License Fee:

\$ 5,017

H. Other Research and Development - licenses (as specified in 32 Ill. Adm. Code 330.270) for research and development that do not authorize commercial distribution:

License Fee:

\$ 5,017

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MATERIAL USE CATEGORIES

FEE PAYABLE:

Effective Date of Rule

I. Service - licenses that authorize services for other licensees, including, but not limited to, leak testing, instrument calibration and sample analysis, but not including waste disposal transportation or radioactive waste broker services:

License fee:

\$ 5,226

J. Gas Chromatographs and Non-Portable X-Ray Fluorescence Analyzers - licenses for possession and use of radioactive material in sealed sources or detector cells for use in gas chromatographs and non-portable x-ray fluorescence analyzers:

License Fee:

\$ 1,440

K. Other - all other specific radioactive material licenses not specified elsewhere in this fee schedule, including, but not limited to, licenses for possession and use of radioactive material in sealed sources for use in fixed and portable gauges (including portable x-ray fluorescence analyzers):

License Fee:

\$ 3,567

107

Wireline Service Operation (as defined in 32 Ill. Adm. Code 351):

A. Wireline Service Operation - licenses specifically authorizing use of radioactive material for wireline surveys, well surveys and tracer studies other than field flooding tracer studies:

License Fee:

\$ 4,749

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MATERIAL USE CATEGORIES

FEE PAYABLE:

Effective Date of Rule

- B. Field Flood Studies - licenses specifically authorizing use of radioactive material for wireline services, well surveys, tracer studies or field flood tracer studies:

License Fee:

\$ 9,498

103

Industrial Radiography (as defined in 32 Ill. Adm. Code 350)

Industrial Radiography at Permanent and Temporary Jobsites - licenses specifically authorizing use of radioactive material for industrial radiography at permanent or temporary jobsites:

License Fee:

\$12,004

104

Human use of radioactive material

- A. Type A Broad Scope Medical and Teletherapy - licenses (as specified in 32 Ill. Adm. Code 330.270) authorizing human use of radioactive material, including research and development, in sealed sources contained in teletherapy devices for human use of radioactive material and for the irradiation of other items:

License Fee:

\$ 9,135

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MATERIAL USE CATEGORIES

FEE PAYABLE:

Effective Date of Rule

- B. Teletherapy - licenses for possession and use of radioactive material as sealed sources contained in teletherapy devices for medical use of radioactive material and for the irradiation of other items:

License Fee:

\$ 6,002

- C. Medical Use - licenses for human use of radioactive material, except licenses for radioactive material in sealed sources contained in teletherapy devices and Type A specific license of broad scope:

License Fee:

\$ 4,944

- D. Diagnostic Medical Use - Licenses restricted to only the diagnostic human use of radioactive material listed in 32 Ill. Adm. Code 335, SUBPART D: UPTAKE, DILUTION AND EXCRETION; SUBPART E: IMAGING AND LOCALIZATION; SUBPART G: SEALED SOURCES FOR DIAGNOSIS; and in vitro kits, except as specified in 32 Ill. Adm. Code 330.220(f):

License Fee:

\$ 3,567

- E. Limited Medical Use - licenses restricted to only the human use of radioactive material specified in 32 Ill. Adm. Code 335, SUBPART D: UPTAKE, DILUTION AND EXCRETION:

License Fee:

\$ 895

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MATERIAL USE CATEGORIES

FEE PAYABLE:

Effective Date of Rule

105

General licenses

General licenses (as specified in
32 Ill. Adm. Code 330.220(f))

License Fee:

\$ 746

106

Source Material (as defined in 32
Ill. Adm. Code 310.20) and Byproduct
Material (as defined in 32 Ill. Adm.
Code 332.20)

A. Possession and Use of Source and Byproduct

Material - licenses for possession and use
of source material in recovery operations
such as milling, in-situ leaching, heap-
leaching, ore buying stations, ion exchange
facilities and in processing of ores
containing source material for extraction
of metals other than uranium or thorium,
including licenses authorizing the possession
of byproduct waste material (tailings) from
source material recovery operations as well as
licenses authorizing the possession and
maintenance of a facility in a standby mode;

License/Amendment Fee:

\$25,000
Deposit
+ Full
Cost

Minor Amendment Fee:

\$ 360

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MATERIAL USE CATEGORIES

FEE PAYABLE:

Effective Date of Rule

B.

Possession and use of source material -
licenses for possession and use of source
material which require a specific radio-
active materials license. This does not
include licenses authorizing manufacture
and distribution of source material.
This does not include specific licenses
authorizing source material used for
shielding or source material authorized
for use in manufacturing operations as
described in Material Use Categories 101A and B;

License/Amendment Fee:

\$25,000
Deposit
+ Full
Cost

Minor Amendment Fee:

\$ 360

107Radioactive Waste

A. Low-Level Radioactive Waste Disposal
Facilities - licenses issued pursuant
to 32 Ill. Adm. Code 601 specifically
authorizing the disposal of low-level
radioactive waste away from the point
of generation;

License/Amendment Fee:

\$25,000
Deposit
+ Full
Cost

Minor Amendment Fee:

\$ 360

3075

ILLINOIS REGISTER

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MATERIAL USE CATEGORIES

FEE PAYABLE:

Effective Date of Rule

B. Low-Level Radioactive Waste Treatment Facilities - licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for treatment away from the point of generation, and transfer to a person authorized to receive or dispose of the material:

License/Amendment Fee:

\$25,000
Deposit
+ Full
Cost

Minor Amendment Fee:

\$ 360

C. Centralized Low-Level Radioactive Waste Storage Facilities - licenses specifically authorizing the receipt of low-level radioactive waste material from other persons for storage away from the point of generation, and transfer to a person authorized to receive or dispose of the material:

License/Amendment Fee:

\$25,000
Deposit
+ Full
Cost

Minor Amendment Fee:

\$ 360

D. Other Low-Level Radioactive Waste - licenses authorizing other methodologies for disposal of low-level radioactive waste:

License/Amendment Fee:

\$10,000
Deposit
+ Full
Cost

Minor Amendment Fee:

\$ 360

3076

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MATERIAL USE CATEGORIES

FEE PAYABLE:

Effective Date of Rule

108

Nuclear Laundries - licenses for commercial collection and laundering of items contaminated with radioactive material:

License Fee:

\$ 8,183

109

Decontamination Facilities - licenses that authorize receipt of items contaminated with radioactive material for the purpose of decontaminating such items:

License/Amendment Fee:

\$10,000
Deposit
+ Full
Cost

Minor Amendment Fee:

\$ 360

(Source: Added at Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

1) The Heading of the Part:

Allied Health Care Professional Assistance Law

2) Code Citation:

77 Ill. Adm. Code 598

3) Section Numbers:

598.10 Proposed Action:
 598.20 New Section
 598.30 New Section
 598.100 New Section
 596.110 New Section
 596.120 New Section
 596.130 New Section
 596.140 New Section

4) Statutory Authority:

Implementing and authorized by the Allied Health Care Professional Assistance Law (Ill. Rev. Stat. 1991, ch. 144, par. 1481 et seq.) [110 ILCS 905].

5) A Complete Description of the Subject and Issues Involved:

These proposed rules include eligibility requirements, selection criteria and requirements relating to use of grant funds to govern grants to allied health professionals who agree to practice in areas of the State demonstrating the greatest need for additional professional medical care.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes ☐ No ☒7) Does this Rulemaking Contain an Automatic Repeal Date?Yes ☐ No ☒8) Does this Rulemaking Contain any Incorporations by Reference?Yes ☐ No ☒9) Are there any other Proposed Amendments Pending on this Part?

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Yes ☐ No ☒

If yes:

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

The purpose of this rulemaking is to govern the distribution of scholarship monies authorized by the Allied Health Care Professional Assistance Law.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act commenting on these rules shall indicated their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

None.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No new reporting procedures are required for compliance.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Rules appears on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO INCREASE ACCESS TO PRIMARY HEALTH CARE
AND SCHOLARSHIPS FOR HEALTH PROFESSIONAL STUDENTS

PART 598

ALLIED HEALTH CARE PROFESSIONAL ASSISTANCE LAW

SUBPART A: GENERAL PROVISIONS

Section
598.10 Definitions
598.20 Referenced Materials
598.30 Administrative Hearings

SUBPART B: ALLIED HEALTH CARE PROFESSIONAL SCHOLARSHIPS

Section
598.100 Limitations on Use of Scholarship Funds
598.110 Eligibility for Application
598.120 Criteria for Selecting Scholarship Recipients
598.130 Terms of Performance
598.140 Scholarship Repayments

AUTHORITY: Allied Health Care Professional Assistance Law (Ill. Rev. Stat. 1991, ch. 144, par. 1481 et seq.)(110 ILCS 905)

(Source: Adopted at 18 Ill. Reg. _____, effective _____)

SUBPART A: GENERAL PROVISIONS

Section 598.10 Definitions

"Act" means the Allied Health Care Professional Assistance Law (Ill. Rev. Stat. 1991, ch. 144, par. 1481)(110 ILCS 905).

"Department" means the Illinois Department of Public Health.

"DESIGNATED SHORTAGE AREA" MEANS AN AREA DESIGNATED BY THE DIRECTOR OF PUBLIC HEALTH AS A PHYSICIAN SHORTAGE AREA, A MEDICALLY UNDERSERVED AREA, OR A CRITICAL HEALTH MANPOWER SHORTAGE AREA AS DEFINED BY THE UNITED STATES DEPARTMENT OF

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HEALTH AND HUMAN SERVICES, OR AS FURTHER DEFINED BY THE DEPARTMENT TO ENABLE IT TO EFFECTIVELY FULFILL THE PURPOSE STATED IN SECTION 2002. SUCH AREAS MAY INCLUDE THE FOLLOWING:

AN URBAN OR RURAL AREA WHICH IS A RATIONAL AREA FOR THE DELIVERY OF HEALTH SERVICES;

A POPULATION GROUP; OR

A PUBLIC OR NONPROFIT PRIVATE MEDICAL FACILITY. (Section 3 of the Act)

"Director" means the Director of the Illinois Department of Public Health.

"ELIGIBLE ALLIED HEALTH CARE PROFESSIONAL" MEANS A PERSON WHO MEETS ALL OF THE FOLLOWING QUALIFICATIONS:

HE OR SHE IS STUDYING AN ALLIED HEALTH CARE FIELD IN A MEDICAL OR OTHER SCHOOL LOCATED IN ILLINOIS AND ACCREDITED IN ITS FIELD OR OTHERWISE APPROVED BY THE DEPARTMENT AND AGREES TO OBTAIN A LICENSE TO PRACTICE IN HIS OR HER FIELD IN THIS STATE;

HE OR SHE EXHIBITS FINANCIAL NEED AS DETERMINED BY THE DEPARTMENT; AND

HE OR SHE AGREES TO PRACTICE FULL-TIME IN A DESIGNATED SHORTAGE AREA AS AN ALLIED HEALTH CARE PROFESSIONAL ONE YEAR FOR EACH YEAR HE OR SHE IS A SCHOLARSHIP RECIPIENT. (Section 3 of the Act)

"Fees" means those mandatory charges, in addition to tuition, that all enrolled students must pay, including required course or lab fees.

"Full-time academic work" means enrollment for the number of hours required per term by a school for its full-time students.

"Full-time employment" means being available at the practice location for patient visits a minimum of 32 hours per week.

"Full-time student" means a student who is enrolled for at least the number of hours required per term by a school for its full-time students.

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"Part-time academic work" means enrollment for at least one-third of the number of hours required per term by a school for its full-time students.

"Part-time student" means a student who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students.

"Tuition" means the established charges of an institution of higher learning for instruction at the institution.

Section 598.20 Referenced Materials

The following materials are referenced in this Part:

- a) Illinois Statutes: Illinois Health Care Professional Assistance Law (Ill. Rev. Stat 1991, ch. 144, par. 1481 et seq.) [110 ILCS 905].
- b) Illinois Rules: Rules of Practice and Procedure in Administrative Hearings (77 Ill. Admin. Code 100).

Section 598.30 Administrative Hearings

Any administrative hearings conducted by the Department concerning the provisions of this Part shall be governed by the Department's Rules of Practice and Procedure in Administrative Hearings (See 77 Ill. Adm. Code 100).

SUBPART B: ALLIED HEALTH CARE PROFESSIONAL SCHOLARSHIPS

Section 598.100 Limitations on Use of Scholarship Funds

- a) Scholarships shall cover the cost of tuition and matriculation fees; and provide a monthly living stipend for full time students of allied health care professional programs.
- b) Scholarships may be made to part-time (but not less than 1/3 time) students but shall cover only tuition and fees.
- c) Scholarship funds shall be expended by the recipient only while enrolled and in good academic standing at approved school.
- d) Scholarship funds shall not be awarded for expenses incurred when the student must wait more than once an academic term or terms, if the repetition is necessary because the student has an academic performance below an acceptable level as determined by the student's school.

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- e) Scholarship funds shall be provided to the recipient's school. All funds for tuition and fees are to be expended only on the student's behalf and all stipend monies are to be provided directly to the student.

Section 598.110 Eligibility for Application

- a) Students eligible to apply for Allied Health Care Professional Scholarships shall meet the following qualifications:

- (1) HE OR SHE IS STUDYING AN ALLIED HEALTH CARE FIELD IN A MEDICAL OR OTHER SCHOOL LOCATED IN ILLINOIS AND ACCREDITED IN ITS FIELD OR OTHERWISE APPROVED BY THE DEPARTMENT AND AGREES TO OBTAIN A LICENSE TO PRACTICE IN HIS OR HER FIELD IN THIS STATE;
- (2) HE OR SHE EXHIBITS FINANCIAL NEED AS DETERMINED BY THE DEPARTMENT; AND
- (3) HE OR SHE AGREES TO PRACTICE FULL-TIME IN A DESIGNATED SHORTAGE AREA AS AN ALLIED HEALTH CARE PROFESSIONAL ONE YEAR FOR EACH YEAR HE OR SHE IS A SCHOLARSHIP RECIPIENT. (Section 3 of the Act)

- b) Students receiving funds from other scholarship or loan funds requiring service commitments that would prevent the applicant from meeting the requirements of the Allied Health Care Professional Scholarship shall not be eligible for scholarships described in this Subpart.

Section 598.120

Criteria for Selecting Scholarship Recipients

- a) Preference shall be given to those scholarship applicants who in written narratives and personal interviews, can demonstrate the following:

- 1) Interest in pursuing a degree and licensure or certification as a nurse practitioner, physician assistant or certified nurse midwife.
- 2) Previous experience with medically underserved populations;
- 3) Previous experience in rural practice, with preference given to those whose experience has involved one of the primary care specialty areas;
- 4) Academic capabilities as reported by the applicant's approved school;

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- 5) Financial need as reported by standard financial analysis documentation supplied by the applicant's school on the student's behalf;
 - 6) Greater number of years of school remaining;
 - 7) Stated interest in providing primary health care to Illinois citizens residing in designated shortage areas of Illinois;
 - 8) Most number of years of residence in Illinois;
 - 9) United States citizens, or those granted permanent residence in the United States by the Immigration and Naturalization Service.
- b) Of all applicants, priority shall be given to those individuals who have previously received an Allied Health Care Professional Scholarship, provided that:
- 1) Recipient requests, in a format determined by the Department, a continuation of scholarship funds;
 - 2) Recipient would not be repeating the same year of school for the second consecutive year because of poor academic performance;
 - 3) Recipient has not voluntarily withdrawn from school.
- c) When the number of applicants are sufficient, scholarships will be equally distributed among all applicants by profession.

Section 598.130

Terms of Performance

- a) Each scholarship recipient shall sign a written contract. The contract contains terms and conditions which ensure compliance with this Part, the laws of the State of Illinois, and enforcement of the contract.
- b) Scholarship recipients who fail to complete school due to academic failure, as documented by recipient's school, shall be discharged from all obligations.
- c) Scholarship recipients who fail to complete school due to voluntary actions on their part shall repay to the Department an amount equal to 3 times the amount of the annual scholarship grant received for each unfulfilled year of the obligation together with interest at 7 percent per year on that amount (Ill. Rev. Stat. 1991, ch. 144, par. 1485.)
- d) In the event the scholarship recipient is disabled or is otherwise unable for reasons beyond the recipient's control to perform the scholarship obligations, these obligations

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shall be suspended until such time as the scholarship recipient is able to resume the scholarship obligations. Such suspension shall be requested in writing by the scholarship recipient. The Department's acceptance or denial of the suspension request will be provided in writing under the Director's signature. The Department shall accept a request for a suspension when supported by a letter from the recipient's physician attesting to the recipient's inability (either temporarily or permanently) to continue (either school or the practice of allied health care professional field) and the recipient's agreeing to not continue either his or her education in the profession (or the practice of the allied health care profession) in any state.

e)

Misrepresentation of the facts presented in the recipient's application shall be considered a breach of contract. The recipient's school shall be notified to halt further disbursements of scholarship funds and all funds provided by the Department to the student shall be due in full, immediately.

Section 598.140

Scholarship Repayment

- a) Upon completion of all Illinois requirements for their profession, the scholarship recipient shall provide health care services in a designated shortage area of Illinois. The term of this service shall be ONE YEAR FOR EACH YEAR HE OR SHE IS A SCHOLARSHIP RECIPIENT. (Section 3 of the Act)
- b) Service as an allied health care professional shall begin not later than 30 days after completion of the allied health training program.
- c) Written approval of the Department for a proposed practice location shall be requested and received by the scholarship recipient.
 - 1) Without such approval, time in practice at such a location shall not meet scholarship recipient's service obligation.
 - 2) The scholarship recipient may request and receive approval for a practice location up to 18 months preceding the time practice at the location is to begin.
 - 3) Approval for a practice location is granted for the duration of the scholarship recipient's service obligation.
- d) The scholarship recipient's practice shall meet the following requirements:
 - 1) Be located in a designated shortage area;
 - 2) Be a full-time practice providing direct patient care;

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- 3) Be providing continuous service at the rate of 12 months for each academic year of school supported by the scholarship.
- e) Scholarship recipients may relocate to another practice location, or practice in more than one location if prior written approval is granted by the Department.
- f) Scholarship recipients shall enter into a written contract with the Department which describes terms of the service obligation and contains provisions for enforcement of the contract.
- g) SCHOLARSHIP RECIPIENTS WHO FAIL TO FULFILL THE OBLIGATION DESCRIBED IN Section 598.130 of this Part SHALL PAY TO THE DEPARTMENT AN AMOUNT EQUAL TO 3 TIMES THE AMOUNT OF THE ANNUAL SCHOLARSHIP GRANT RECEIVED FOR EACH UNFULFILLED YEAR OF THE OBLIGATION TOGETHER WITH INTEREST AT 7% PER YEAR ON THAT AMOUNT. (Section 5 of the Act)
 - 1) Payment shall be made in equal monthly installments in such amounts so all sums due shall be paid within a period of time equal to the recipient's service term, or remaining portion thereof, or as otherwise approved by the Department.
 - 2) Recipient and Department shall enter into a written contract which describes terms of the repayment and contains provisions for enforcement of the contract.
 - h) In the event a scholarship recipient fails to pay monies owed the Department, the Department may refer the matter to the Attorney General or to a collection agency.

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- 1) The Heading of the Part:

Illinois Rural Health Code

- 2) Code Citation:

77 Ill. Adm. Code 596

- 3) Section Numbers:

Proposed Action:

596.10 New Section
 596.20 New Section
 596.30 New Section
 596.40 New Section
 596.100 New Section
 596.110 New Section
 596.120 New Section
 596.130 New Section
 596.140 New Section
 596.200 New Section
 596.210 New Section
 596.220 New Section
 596.230 New Section
 596.240 New Section
 596.300 New Section
 596.310 New Section
 596.320 New Section
 596.330 New Section
 596.340 New Section

- 4) Statutory Authority:

Implementing and authorized by the Illinois Rural/Downstate Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 8051 et seq.) [410 ILCS 65].

- 5) A Complete Description of the Subject and Issues Involved:

These proposed rules include eligibility requirements, selection criteria and requirements relating to use of grant funds to govern grants to community based organizations, community health care centers, and rural hospitals, to improve access to health care in rural, underserved areas of the State.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

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Yes ___ No ✓

7) Does this Rulemaking Contain an Automatic Repeal Date?

Yes ___ No ✓

8) Does this Rulemaking Contain any Incorporations by Reference?

Yes ___ No ✓

9) Are there any other Proposed Amendments Pending on this Part?

Yes ___ No ✓

If yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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10) Statement of Statewide Policy Objectives:

The purpose of this rulemaking is to govern the distribution of grants funds authorized by the Illinois Rural/Downstate Health Act.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act commenting on these rules shall indicated their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

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None.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No new reporting procedures are required for compliance.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Rules appears on the next page:

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NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO INCREASE ACCESS TO PRIMARY HEALTH CARE
AND SCHOLARSHIPS FOR HEALTH PROFESSIONAL STUDENTS

PART 596

ILLINOIS RURAL HEALTH CODE

SUBPART A: GENERAL PROVISIONS

Section
596.10
596.20
596.30
596.40

Applicability
Definitions
Incorporated and Referenced Materials
Administrative Hearings

SUBPART B: GRANTS TO DEVELOP COMMUNITY BASED
PRIMARY CARE CENTERS

Section
596.100
596.110
596.120
596.130
596.140

Eligibility for Grants
Limitations on Use of Grant Funds
Project Requirements
Application for Grants
Selection Criteria

SUBPART C: GRANTS TO HOSPITALS LOCATED IN
MEDICALLY UNDERSERVED AREAS OR HEALTH
PROFESSIONAL SHORTAGE AREAS

Section
596.200
596.210
596.220
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596.240

Eligibility for Grants
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SUBPART D: GRANTS TO SUPPORT EXPANSION OF
COMMUNITY HEALTH CENTERS' PROGRAMS

Section
596.300
596.310
596.320

Eligibility for Grants
Limitations on Use of Grant Funds
Project Requirements

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596.330 Application for Grants
596.340 Selection Criteria

AUTHORITY: Implementing and authorized by Illinois Rural/Downstate Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 8051 et seq. [410 ILCS 65]).

SOURCE: Adopted at 18 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 596.10 Applicability

a) This Part is in response to an act designed to improve accessibility to necessary health care for citizens living in rural and downstate areas of Illinois. The provisions of this Part are organized into four Subparts. Subpart A includes general provisions, such as definitions and administrative hearing rules, which apply to all Sections of the Part.

b) Subpart B includes provisions for awarding grants to develop community based primary care centers. These provisions set forth the application and selection processes for distribution of grant funds, and performance requirements.

c) Subpart C includes provisions for awarding grants to hospitals located in underserved areas to support diversification strategies designed to improve the hospitals' fiscal position. These provisions set forth the application and selection processes for distribution of grant funds, and performance requirements.

d) Subpart D includes provisions for awarding grants for the expansion of community health center programs. These provisions set forth the application and selection processes for distribution of grant funds, and performance requirements.

Section 596.20 Definitions

"Act" means the Illinois Rural/Downstate Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 8051 et seq.) [410 ILCS 65].

"Community" means one or more incorporated and/or unincorporated villages or towns.

"Community Based Organization" means a locally organized and recognized group of individuals whose goals include efforts to maintain or increase the availability or accessibility of necessary health care for the citizens of their community.

"Community Health Center" means (1) MIGRANT HEALTH CENTERS OR COMMUNITY HEALTH CENTERS OR HEALTH CARE FOR THE HOMELESS

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PROGRAMS SUPPORTED UNDER SECTIONS 329, 330, OR 340 OF THE FEDERAL PUBLIC HEALTH SERVICE ACT, RESPECTIVELY; AND (2) FEDERALLY QUALIFIED HEALTH CENTERS, including look-alikes, AS DESIGNATED BY THE FEDERAL HEALTH CARE FINANCING ADMINISTRATION OR ILLINOIS DEPARTMENT OF PUBLIC HEALTH, or the Public Health Service of the U.S. Department of Health and Human Services (Section 4.1 of the Act).

"Center" means the Center for Rural Health of the Illinois Department of Public Health.

"Department" means the Illinois Department of Public Health.

"DESIGNATED SHORTAGE AREA" MEANS A MEDICALLY UNDERSERVED AREA OR HEALTH MANPOWER SHORTAGE AREA AS DEFINED BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES OR AS OTHERWISE DESIGNATED BY THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (Section 2.1 of the Act).

"Downstate" means those Illinois counties other than Cook, Lake, McHenry, DuPage, Will, and Kane.

"Local health department" means a county, multi-county, municipal or district public health agency certified by the Department.

"Medically underserved population" means individuals who reside in a U.S. Department of Health and Human Services health professional shortage area or medically underserved area; or who are designated a medically underserved population by the U.S. Department of Health and Human Services; or reside in an area designated by the Department as underserved.

"Mid-level providers" include health professionals who have completed specialized training and who meet the requirements of nationally recognized health professional organizations granting certification to nurse practitioners, certified nurse midwives, certified registered nurse anesthetists, and physicians' assistants.

"Primary care" means health care that encompasses prevention services, basic diagnostic and treatment services, and support services such as laboratory, radiologic, transportation, and pharmacy. Primary care shall be comprehensive in nature and not organ or problem specific, shall be oriented toward the longitudinal care of the patient; and shall be responsible for coordination of other health and social services as they relate to the patients' needs.

"Primary care physician" means a person licensed to practice medicine in all of its

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branches under the Medical Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60] with a specialty in family practice, general internal medicine, obstetrics and gynecology, pediatrics, or combined internal medicine/pediatrics as defined by recognized standards for professional medical practices.

"Rational service area" means the geographic area surrounding a physician's office, a hospital or clinic, and from which the residents may be reasonably expected to seek health care from the physician, hospital or clinic locate within the area.

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a community located within a Metropolitan Statistical Area but having a population of 2500 or less.

Section 596.30 Incorporated and Referenced Materials

The following materials are incorporated or referenced in this Part:

- a) Illinois Statutes
 - 1) Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60] (See Section 596.20).
 - 2) Illinois Rural/Downstate Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 8051 et seq.) [410 ILCS 65].
 - 3) Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85].
- b) Illinois Rules: Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- c) Federal Statutes
 - 1) Designation of Health Professional Shortage Areas, Section 332 of the Public Health Service Act (42 U.S.C. 254e) (1991).
 - 2) Designation of Medically Underserved Areas, Section 330 (b)(3) of the Public Health Service Act (42 U.S.C. 254c (b)(3)) (1991).

Section 596.40 Administrative Hearings

Any administrative hearings conducted by the Department concerning the provisions of this Part shall be governed by the Department's Rules of Practice and Procedure in Administrative Hearings (See 77

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Ill. Adm. Code 100).

SUBPART B: GRANTS TO DEVELOP COMMUNITY BASED
PRIMARY CARE CENTERS

Section 596.100 Eligibility for Grants

The following entities which are located in rural, downstate designated shortage areas are eligible to apply for grants through this Part:

a) local health departments;

b) incorporated, not-for-profit organizations composed of local civic leaders and local citizens representative of the proposed service area;

c) governmental entities;

d) hospital boards of directors.

e) community health centers.

Section 596.110 Limitations on Use of Grant Funds

Funds awarded by the Department may be used to support projects which develop new services or enhance existing services to meet the primary health care needs of rural, downstate designated shortage areas.

a) Grant funds may be used to COVER OPERATIONS AND FACILITY CONSTRUCTION AND RENOVATION EXPENSES, INCLUDING BUT NOT LIMITED TO THE COST OF PERSONNEL, MEDICAL SUPPLIES AND EQUIPMENT, PATIENT TRANSPORTATION, AND HEALTH PROVIDER RECRUITMENT. (Section 4 of the Act).

b) Grant funds may be used for staff education, and for expenses associated with participation in an interactive telecommunication system, to establish teleremedy and other electronic communication capabilities.

c) Grant funds may not be used to offset existing indebtedness.

d) Grant funds may not be used to supplant existing funds which support a particular service, program or activity for which grant funds are requested.

e) Grant funds may not be used to purchase real property.

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Section 596.120 Project Requirements

a) Projects to be funded through this Part shall respond to requests for proposals distributed by the Department and delineating project expectations.

b) Requests for proposals prepared by the Department shall address one or more of the following goals:

1) use of innovative methods which expand the ability of existing health and social service providers located in or near the service area to meet the overall primary care needs within a project's service area;

2) increase the numbers or types of primary health care providers within a designated shortage area;

3) increase the level of collaborative working arrangements among a variety of health and social service providers in a project service area.

4) address public health priorities set forth in the March 1993 draft report STATEWIDE HEALTH NEEDS ASSESSMENT: Towards a Healthy Illinois 2000;

5) target those rural areas identified by the Center in the report (Rural Primary Health Care Needs Assessment) as having the greatest need for primary health care and public health interventions.

c) Projects shall have a director who is responsible for administrative and fiscal management of the project.

d) Project directors shall annually submit fiscal and program objective reports as detailed in the Department's request for proposals.

e) Projects which establish a primary health care clinic using grant funds under this Subpart shall meet the following minimum requirements:

1) provide at a minimum the level of services required by the Rural Health Clinic Act, and when eligible, shall seek certification as either a Rural Health Clinic or a Federally Qualified Health Center or look-alike;

2) make services available and accessible to all residents of the project's service area;

3) ensure that physicians with whom the clinic contracts or employs shall have staff privileges at a minimum of one hospital in the area and shall be

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responsible for arranging 24 hour coverage;

- 4) have referral arrangements with other service providers to assist clinic patients receive needed health and social services.

f) Projects shall demonstrate development of a consortium of agencies and providers, with involvement of a minimum of two separate agencies or service providers. Consortium members may include urban entities, including those in the counties of Cook, Lake, Kane, McHenry, DuPage and Will. Services shall be targeted to residents of rural and downstate areas, and the majority of funds shall be used and the applicant shall be located in a rural, downstate area.

g) Evidence of the solicitation and consideration of input and potential participation in the project by the local health department, and other health and social service providers in the area shall be included in an application. Such evidence may include copies of correspondence soliciting input.

h) Projects selected for funding which build on existing activities shall demonstrate an increase in service recipients and a maintenance or increase in the level of previously available funds used to support the project prior to receipt of funds under this Part.

i) Projects which propose to provide health care diagnostic and treatment services shall have written statements of cooperation between any other service area providers receiving state or federal grant support for related services.

j) Projects which propose to provide health care diagnostic and treatment services shall submit as part of the application a projected budget estimating entire project costs and all revenue sources.

k) Projects shall document that local funds, non-state, non-federal, equivalent to 25 percent of the annual project cost will be available and used.

Section 596.130 Application for Grants

a) Applications shall be prepared and available from the Department for eligible applicants.

b) Applications submitted to the Department shall describe the applicants' proposed methods to achieve the goal(s) specified in the Department's request for proposals.

c) Application formats shall include, but not be limited to:

- 1) Summary statement of the applicant's plan of action to address the goal(s) described in the Department's request for proposals;

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2) A description of the geographic area or special population group to be served by the applicant's project, a statement of the special needs of the area or groups, and a thorough explanation of the manner in which the proposed project would meet those needs;

3) A statement of the measurable and relevant objectives the applicant proposes to achieve in the grant year as well as its longer term goals;

4) A work plan and time table for achievement of the objectives;

5) An evaluation plan which will allow documentation of the project's progress in meeting the particular needs of the area or group described in subsection (c)(2) of this Section.

6) A detailed budget with narrative description of the request; and

7) A plan and timetable for development of the project's self-sufficiency.

d) Applications for projects that will develop or enhance a health care diagnostic and treatment clinic shall include the following in addition to the above subsection (c)(1) through (7) of this Section:

1) staffing plan for the clinic;

2) referral arrangements for services not available at the clinic;

3) plan for quality assurance and continuing professional education for clinic staff;

4) plan for after hours coverage.

Section 596.140 Selection Criteria

a) Priority in the selection of applicants for funding shall be given to those projects that can demonstrate the greatest impact on accessibility and availability of primary health care services for residents of designated shortage areas or for population groups with special needs. Such an impact shall be demonstrated by detailing the expected number of recipients who were previously unserved or underserved and who will now be served by the project.

b) Additional selection criteria which will cause an application to receive priority consideration include:

- 1) projects which are closest to operational status at time of application;

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- 2) projects which have the broadest range of health and social service providers and other types of community organizations actively participating in the organization and on-going policy decisions;
- 3) projects which have the broadest base of financial support and can become self-supporting when grant funds end;
- 4) projects which propose the greatest expenditure of grant dollars in rural areas when a consortium includes urban providers.
- c) Of the applications that propose to provide diagnostic and treatment services priority consideration will be given to those that have the following characteristics:
 - 1) those that are eligible for any cost-based reimbursement programs available now (Rural Health Clinic and Federally Qualified Health Center programs) or any that develop in the future;
 - 2) those that plan to serve as sites for educational experiences for a variety of health and social service profession students.
- d) For those projects not developing clinic sites or the direct provision of health care diagnostic and treatment services, priority consideration will be given to those which can be self-sustaining at least by the end of four calendar years of funding.
- e) For those projects which develop clinic sites or directly provide health care diagnostic and treatment services, priority consideration will be given to those which can be self-sustaining at least by the end of six calendar years of funding.

**SUBPART C: GRANTS TO HOSPITALS LOCATED IN MEDICALLY UNDERSERVED AREAS
(OR HEALTH PROFESSIONAL SHORTAGE AREAS)**

Section 596.200 Eligibility for Grants

- a) All Illinois licensed hospitals located in rural designated shortage areas are eligible to apply for grants.

~~Hospitals and hospitals shall have GOVERNING BOARDS which INCLUDE SIGNIFICANT REPRESENTATION OF CONSUMERS OF HOSPITAL SERVICES RESIDING IN THE AREA SERVED BY THE HOSPITAL AND WHICH AGREE NOT TO DISCRIMINATE IN ANY WAY AGAINST ANY CONSUMER OF HOSPITAL SERVICES BASED UPON THE CONSUMER'S SOURCE OF PAYMENT FOR THOSE SERVICES. (Section 4(f) of the Act).~~

Section 596.210 Limitations on Use of Grant Funds

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- a) Grant funds SHALL BE LIMITED TO \$500,000 AND 50% OF THE TOTAL PROJECT NEED INDICATED IN EACH APPLICATION. (Section 4(f) of the Act).
- b) EXPENSES COVERED BY THE GRANTS MAY INCLUDE BUT ARE NOT LIMITED TO FACILITY RENOVATION, EQUIPMENT ACQUISITION AND MAINTENANCE, RECRUITMENT OF HEALTH PERSONNEL, DIVERSIFICATION OF SERVICES, AND JOINT VENTURE ARRANGEMENTS. (Section 4(f) of the Act).
- c) Grant funds may be used for staff training which is specific to the needs of the project.
- d) Grant funds may be used to enable a hospital to participate in an interactive satellite communication system, and to establish telemetry and other electronic communications capabilities.
- e) Grant funds shall not be used to offset existing indebtedness.
- f) Grant funds may not be used to supplant existing funds which support a particular service, program or activity for which grant funds under this Subpart are requested.
- g) Grant funds may not be used to purchase real property.

Section 596.220 Project Requirements

- a) Projects to be funded through this Subpart shall respond to requests for proposals distributed by the Department and delineating project expectations.
- b) Requests for proposals prepared by the Department shall address one or more of the following goals:
 - 1) Adapting to changes in service needs and expectations in the hospital's service areas;
 - 2) Collaborating with other providers to efficiently and effectively provide services;
 - 3) Improving access to primary health care or emergency services;
 - 4) Using interactive telecommunications technologies.
- c) Projects shall have a director who is responsible for administrative and fiscal management of the project.

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- d) Project directors shall annually submit fiscal and program objective reports as detailed in the Department's request for proposals.
- e) Projects which establish a clinic using grant funds shall provide at a minimum the level of services required by the Rural Health Clinic Act and, when eligible, shall seek certification as either a Rural Health Clinic or a Federally Qualified Health Center or look alike.
- f) Projects shall develop a consortium of agencies and providers, with involvement of a minimum of two additional agencies or service providers, local businesses, institutions, service organizations, and other health and social service providers. Consortium members may include urban entities, services shall be targeted to residents of rural and downstate areas, the majority of funds shall be used in, and the applicant shall be located in a rural, downstate area.
- g) Projects selected for funding which build on existing activities shall demonstrate an increase in service recipients and maintenance or increase in the level of previously available funds used to support the project prior to receipt of funds under this Part.
- h) Projects which propose to provide health care diagnostic and treatment services shall have written statements of cooperation with any other service area providers receiving state or federal grant support for related services.
- i) Projects which propose to provide health care diagnostic and treatment services shall submit as part of the application a cost report documenting entire project costs and all revenue sources and amounts.
- j) Projects shall document that local funds, cash or in-kind services, equivalent to 50 percent of the annual project cost will be available and used to support the operations of the project.

Section 596.230

Application for Grants

- a) Applications shall be prepared and distributed by the Department to eligible applicants.
- b) Applications submitted to the Department shall describe the applicants' proposed methods to achieve the goal(s) specified in the Department's request for proposals.
- c) Application formats shall include, but not be limited to:
- 1) Summary statement of the applicant's plan of action to address the goal(s) described in the Department's request for proposals;

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- 2) A thorough description of the need for the proposed project and the expected impact of the project on the hospital and the community served by the hospital;
 - 3) A statement of the measurable and relevant objectives the applicant proposes to achieve in the grant year as well as its longer term goals;
 - 4) A work plan and time table for achievement of the objectives;
 - 5) An evaluation plan which will allow documentation of the project's progress in meeting the particular needs described in subsection (c)(2) of this Section.
 - 6) A detailed budget with narrative description of the requested amounts; and
 - 7) A plan and timetable for development of the project's self-sufficiency.
- d) Applications for projects that will develop or enhance a health care diagnostic and treatment clinic shall include, in addition to subsection (c)(1) through (7) of this Section, the following:
- 1) Staffing plan for the clinic;
 - 2) Referral arrangements for services not available at the clinic;
 - 3) Plan for quality assurance and continuing professional education for clinic staff;
 - 4) Plan for after-hours coverage.
- Section 596.240
- Selection Criteria
- a) Priority in the selection of applicants for funding shall be given to those projects that can demonstrate the greatest impact on accessibility and availability of primary health care services for residents of the service area or the greatest impact on the fiscal strength of the hospital. Such an impact shall be demonstrated by detailing the expected number of service area residents who were previously unserved or underserved and who will now be served by the project or by demonstrating an improvement in financial status of the hospital.
 - b) Additional selection criteria which will cause an application to receive priority consideration include:
 - 1) Projects which are closest to operational status or are already functioning at time of application;

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- 2) Projects which have the broadest range of health and social service providers and other types of community and business organizations actively participating in the organization and on-going policy decision;
- 3) Projects which develop the highest level of financial support and can become self-supporting when grant funds end.

c) Of the applications that propose to provide health care diagnostic and treatment services, priority consideration will be given to those that have the following characteristics:

- 1) Eligible for any cost-based reimbursement programs available (Rural Health Clinic and Federally Qualified Health Center programs) or any that develop in the future;
 - 2) Intent to serve as sites for educational experiences for students in a variety of health and social service professions.
- For those projects not developing clinic sites or directly providing health care diagnostic and treatment services, priority consideration will be given to those which can be self-sustaining at least by the end of six calendar years of funding.

SUBPART D: GRANTS TO SUPPORT EXPANSION OF
COMMUNITY HEALTH CENTERS' PROGRAMS

Section 596.300

Eligibility for Grants

The following entities are eligible to apply for grants through this Part:

- a) Health centers funded through Sections 329, 330 or 340 of the federal Public Service Act;
- b) Federally qualified health centers, including look-alikes, as designated by the federal Public Health Service or by the Department;

Section 596.310 Limitations on Use of Grant Funds

- a) Grant funds shall be used to assist IN THE RECRUITMENT AND RETENTION OF MEDICAL PROFESSIONALS, PURCHASE OF NEW EQUIPMENT, OPERATIONAL EXPENSES, FACILITY CONSTRUCTION AND RENOVATION, AND OUTREACH PROGRAMS FOR MEDICALLY UNDERSERVED POPULATIONS. (Section 4.1 of the Act)
- b) Grant funds shall not be used to supplant existing funds which support a particular

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- c) service, program or activity for which grant funds under this Subpart are requested. Grant funds shall not be used to purchase real property.

Section 596.320 Project Requirements

- a) Projects to be funded through this Part shall respond to requests for proposals distributed by the Department and delineating project expectations.
- b) Requests for proposals prepared by the Department shall address one or more of the following:
 - 1) use of innovative methods which expand the ability of existing health and social service providers located in or near the service area to meet the overall primary care needs within a project's targeted area;
 - 2) increase the numbers or types of primary health care providers within a designated shortage area;
 - 3) increase the level of collaborative working arrangement among a variety of health and social service providers in a project's service area;
 - 4) address the public health priorities set forth in the March 1993 draft report "Statewide Health Needs Assessment: Towards a Healthy Illinois 2000";
 - 5) target those rural areas identified by the Department as having the greatest need for primary health care and public health interventions.

c) Projects funded through this Part SHALL AVOID DUPLICATING RESOURCES IN AREAS WHERE PRIMARY HEALTH CARE SERVICES ARE ALREADY AVAILABLE (Section 4.1 of the Act) and are meeting health care demands.

d) Projects shall identify a project director who shall be responsible for administrative and fiscal management of the project.

e) Project directors shall annually submit fiscal and program objective reports as detailed in the Department's request for proposals.

f) Projects which establish a primary health care clinic using grant funds under this Subpart shall meet the following minimum requirements

- 1) seek designation as a Federally Qualified Health Center or look-alike;

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- 2) make services available and accessible to all residents of the project's service area;
- 3) ensure that physicians with whom the clinic contracts or employs shall have staff privileges at a minimum of one hospital in the area and shall be responsible for arranging 24-hour coverage;
- 4) have referral arrangements with other service providers, such as the local health departments, local mental health agencies, dentists, senior services agencies, pharmacies, and where available, transportation providers to assist clinic patients in receiving needed health and social services.
- g) Evidence of the solicitation and consideration of input and potential participation in the project by the local health department, and other health and social service providers in the area shall be included in an application. Such evidence may include copies of correspondence soliciting input.
- h) Projects selected for funding which build on existing activities shall demonstrate an increase in service recipients and, at a minimum, the maintenance or an increase in the level of previously available funds used to support the project prior to receipt of funds under this Part.
- i) Projects which propose to provide health care diagnostic and treatment services shall submit as part of the application a projected budget estimating entire project costs and all revenue sources.
- j) Projects developed under the auspices of a Public Health Service Act, Section 329, 330, or 340 funded entity, or a Federally Qualified Health Center look-alike which are outside their service areas and which develop a primary health care clinic shall develop a board of directors representative of the new service area.

Section 596.330

Application for Grants

- a) Applications shall be prepared and distributed by the Department to eligible clients.
- b) Applications submitted to the Department shall describe the applicants' proposed methods to achieve the goals specified in the Department's request for proposals.
- c) Application formats shall include, but not be limited to :
 - 1) a summary statement of the applicant's plan of action to address the goal(s) described in the Department's request for proposals;

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- 2) a description of the geographic area or special population group to be served by the applicant's project, a statement of the special needs of the area or group, and a thorough explanation of the manner in which the proposed project would meet those needs;
- 3) a statement of the measurable and relevant objectives the applicant proposes to achieve in the grant year, as well as the applicant's longer term goals;
- 4) a work plan and timetable for achievement of the objectives;
- 5) an evaluation plan which will allow documentation of the project's progress in meeting the particular needs of the area or group described in subsection (c)(2) of this Section;
- 6) a detailed budget with a narrative description of the request;
- 7) a plan and timetable for development of the project's self-sufficiency; and
- 8) evidence of service area support for the project, such as letters of organizational support, local funding, and local participation in the original needs assessment.
- d) Applications for projects that will develop or enhance a primary health care diagnostic and treatment clinic shall include, in addition to the requirements of subsection (c) of this Section, the following:
 - 1) a staffing plan for the clinic;
 - 2) referral arrangements for services not available at the clinic;
 - 3) a plan for quality assurance and continuing professional education for clinic staff;
 - 4) a plan for after-hours coverage.

Section 596.340

Selection Criteria

- a) Priority in the selection of applicants for funding shall be given to those projects that can demonstrate the greatest impact on accessibility and availability of primary health care services for residents of designated shortage areas or for population groups with special needs. Such an impact shall be demonstrated by detailing the expected number of recipients who were previously unserved or underserved and who will now be served by the project.

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- b) Priority consideration will be given to projects which will be developed outside the existing services area of the applicant.
- c) Additional selection criteria which will cause an application to receive priority consideration include:
- 1) projects that are closest to operational status at time of application;
 - 2) projects that have the broadest range of health and social service providers and other types of community organizations actively participating in the organization an on-going policy decisions;
 - 3) projects that have the broadest base of financial support and can become self-supporting when grant funds end;
- d) Of the applications that propose to provide primary health care diagnostic and treatment services, priority consideration will be given to those that have the following characteristics:
- 1) eligibility for any cost-based reimbursement program currently available (Rural Health Clinic and Federally Qualified Health Center programs) or any such programs that develop in the future; and
 - 2) the applicant plans to serve as a site for educational experiences for a variety of health and social service professions students.

For those projects not developing clinic sites or directly providing primary health care diagnostic and treatment services, priority consideration will be given to those projects that can be self-sustaining at least by the end of four calendar years of funding.

For those projects developing clinic sites or directly providing primary health care diagnostic and treatment services, priority consideration will be given to those projects that can be self-sustaining at least by the end of six calendar years of funding.

- e) When the number of applications is sufficient to support a geographical separation of applicants efforts will be made to distribute new awards among all geographical regions represented by applicants as follows:

- 1) metropolitan Chicago, including the counties of Cook, Kane, Lake, McHenry, DuPage, and Will;
- 2) downstate urban; and
- 3) rural.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Services
- 2) Code Citation: 89 Ill. Adm. Code 590
- 3) Section Numbers:
590.650 Amendments
590.660 Amendments
590.670 New Section
590.680 Amendments
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par 3429 (g)) [20 ILCS 2405/0.01], and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16) [20 ILCS 5/16]
- 5) A Complete Description of the Subjects and Issues involved: The rules recently adopted by DORS as a result of the 1992 Amendments to the Rehabilitation Act of 1973 proved cumbersome and confusing for staff and clients in their implementation. Therefore, these rules are being changed to clarify the process under which maintenance may be paid to a client of the Vocational Rehabilitation Program and simplify the process the amount of maintenance is determined.
- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date?
— Yes X No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Section Numbers Proposed Action Illinois Register Citation
Statement of Statewide Policy Objectives (if applicable):
This is not applicable to this Rulemaking.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45

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days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warrner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY/TDD (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section
590.10
590.20
590.30
590.35
590.40

Applicability
Availability of Services
Effect of Financial Status on Services
Affect of Comparable Benefits
Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section
590.50
590.60

Provision of Services
Qualification of Medical and Psychological Service Providers

590.70 Treatment of Acute Conditions
590.80 Medication and Treatment
590.90 Hearing Aids
590.100 Binaural Hearing Aids
590.110 Speech and Language Services
590.120 Low Vision Aids
590.130 Mental Restoration Services
590.140 Heart Surgeries
590.150 Kidney Transplant and Related Services
590.160 Chiropractic Services
590.170 Prosthetic and Orthotic Device
590.180 Wheelchairs
590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section
590.200
590.210
590.220
590.230
590.240
590.250
590.260
590.270

Provision of Services
Qualification of Training Facilities/Institutions
Purpose and Types of Training
Financial Guidelines for Training Services
Graduate School Training
Choice of Training Facility/Institution
Summer School
Grades

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

590.280 Health Status
 590.290 On-the-Job Training
 590.300 Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section
 590.310 Provision of Services
 590.320 Self-Employment Program
 590.330 Services/Goods not Available
 590.340 Bidding Requirements
 590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
 590.360 Transfer of Title
 590.370 Limitation of Financial Participation

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section
 590.375 Provision of Services
 590.380 Vendor Requirements
 590.390 Bidding Requirements
 590.400 Vehicle Adaptation
 590.410 DORS Financial Participation in Van Adaptation
 590.420 Environmental Modification
 590.430 Written Agreements for Environmental Modification
 590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section
 590.450 Provision of Services
 590.460 Types of Services
 590.470 Provision of Services
 590.480 Qualifications for Services Provided by Individuals
 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section
 590.500 Provision of Services
 590.510 Definitions
 590.520 Purpose
 590.530 Criteria for Equipment Loan
 590.540 Equipment Loan Request Procedures and Approval Process

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590.550 Duration of Loans
 590.560 Maintenance and Return of Equipment/Aids
 590.570 Assistance in Obtaining Permanent Equipment
 590.580 Limitations on Available Equipment/Aids

SUBPART H: OTHER SERVICES

Section
 590.590 Provision of Services
 590.600 Transportation and Temporary Lodging
 590.610 Other Goods and Services
 590.620 Equipment Sets

SUBPART I: PLACEMENT

Section
 590.630 Provision of Services
 590.640 Description of Services

SUBPART J: MAINTENANCE

Section
 590.650 Provision of Services
 590.660 Definitions
 590.670 Determination of the Need for Maintenance
 590.675 Determination of Client Financial Participation in Maintenance
 590.680 Exceptions to Substantive-Standards Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

590.700 Provision of Services
 590.710 Definitions
 590.720 Scope of Services

SUBPART L: TRANSITION

590.730 Provision of Services
 590.740 Definitions
 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3429(g)) [20 ILCS 2405/0.01]], and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 16)[20 ILCS 5/16]

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SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993, amended at 18 Ill. Reg. _____, effective _____.

SUBPART J: MAINTENANCE

Section 590.650 Provision of Services

All services described in this Subpart shall be provided in accordance with the provisions of this Subpart and Subpart A of this Part, except that the provisions of Section 590.30 shall not apply.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 590.660 Definitions

For the purpose of this Subpart, the following term shall have the following meanings.

Additional Costs - those costs incurred by a client as a direct result of his/her participation in an Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572).

Basic Needs - the minimum amount or level of goods and services an individual needs to subsist in an environment which does not put the individual at undue risk to health and safety. These needs include housing, food, clothing, utilities (e.g., electricity, natural gas, water sewer charges, and local telephone service), personal hygiene products, and on-going medical care.

Basic needs do not include expenses for items such as cosmetics, cable television, entertainment, long distance telephone charges, or costs associated with an individual's choice of living arrangements.

Maintenance - Monies paid to a client to cover

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additional costs, as defined above.

Subsistence-----a standard-of-living-at-which-only the-basic-human-needs-are-attained.-For the-purposes-of-this-Subpart,-DORS shall-use-the-185%-of-the-Standard-Need (89-III-Adm-Code-III-and-III)-as determined-by-Department-of-Public-Aid for-its-Aid-to-Families-with-Dependent Children-Program,-except-that-DORS shall-use-the-number-of-the-assistance unit-size-to-be-the-family-size-of-the client's-family.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 590.670

Determination of the Need for Maintenance

a) Maintenance, as defined in Section 590.660, shall be provided to a client to cover the additional costs incurred as a result of participation in the services and activities necessary to overcome the impediment to employment in line with the provisions of Section 590.680 and as listed in the IWRP (89 Ill. Adm. Code 572).

b) DORS shall use the full cost of any item or services required by a client as a direct result of his/her participation in his/her IWRP in the determination of maintenance. To determine the amount of maintenance which DORS can provide to an individual, DORS shall subtract the individual's actual cost for basic needs prior to beginning VR services from the anticipated cost for basic needs while participating in VR services. This amount, less any required client financial participation towards maintenance (Section 590.675) shall be the amount of maintenance for which an individual is eligible.

c) In the event a client must relocate to a county other than his/her normal county of residence as a direct result of his/her participation in his/her IWRP, DORS shall use the 185% of Standard-Need-costs for a family of the size of the client's for each county---if the subsistence cost for the county to which the client is required to move is higher than

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the subsistence cost of his/her normal county-of residence; DORS may, in addition to the maintenance described in Subsection (b) above, pay an amount up to the difference between the two subsistence amounts. To establish the anticipated cost for basic needs for an individual while participating in VR services, DORS shall:

- 1) use the lowest cost for living expenses published by the facility the individual will be attending if there is a published cost; or
- 2) if such a cost is not published, require a full documented listing of these costs, prepared and agreed to by the client and counselor. The costs used for this listing must be from documentable sources and of a nature which would be relied upon by a reasonably prudent individual in the conduct of his/her affairs.

- d) Pursuant to DORS rules in Section 590.40, the client may choose his/her living arrangement, but DORS, in the calculation of maintenance, shall use the lowest cost determined by the counselor as adequate and necessary to meet the client's basic needs.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 590.675 Determination of Client Financial Participation in Maintenance

After Additional Costs are determined, all client income that can reasonably be expected to be used towards Basic Needs (e.g., SSI, SSDI, wages and earnings, unrestricted financial aid) shall be deducted from the gross monthly maintenance amount to determine the amount payable by DORS as maintenance.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 590.680 Exceptions to Subsistence Standards Basic Needs Level

- a) If, because of exceptional circumstances or the client's disability, and/or circumstances beyond DORS control a client cannot be expected to exist

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on the amount determined as subsistence for basic needs, a client's maintenance may be increased to the minimum level determined necessary for him/her to exist.

- b) Such an increase may only be granted with supervisory approval and then only when the counselor, with assistance from the client, can fully document why the client cannot be expected to exist on the subsistence amount determined necessary to meet basic needs and when all costs over and above the subsistence this amount are clearly identified and documented in the client's case file.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Solicitation for Charitable Payroll Deductions

2) Code Citation: 80 Ill. Adm. Code 2650

3) Section Numbers: Adopted Action:

2650.1	Amendment
2650.10	Amendment
2650.15	Amendment
2650.25	Amendment
2650.30	Amendment
2650.40	New
2650.50	New
2650.60	New
2650.70	New

4) Statutory Authority: Implementing and authorized by Section 9 of the Illinois Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b109 [20 ILCS 415/9] and Section 5 of the Voluntary Payroll Deduction Act of 1983 (Ill. Rev. Stat. 1991, ch. 15, par. 505 [5 ILCS 340/5])

5) Effective Date of Amendments: FEB 2 2 1994

6) Does this rulemaking contain an automatic repeal date? No.

7) Do the Amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: FEB 2 2 1994

9) Notice of Proposal Published in Illinois Register:

February 26, 1993, 17 Ill. Reg. 2449

10) Has JCAR issued a Statement of Objections to the Amendments? No.

11) Differences between proposal and final version:

Section 2650.1 - The term "New Charities" in the definitions is changed to "Newly Qualified Charitable Organization".

Section 2650.1 - The definition of "Qualified Charitable Organization" is modified by deleting "not-for-profit" and adding "under the Voluntary Payroll Deductions Act".

Section 2650.1 - Capitalized "Qualified Charitable Organization" in the "SECA" definition.

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Section 2650.10(b) - Deleted "a representative from each qualified charitable organization" as being a voting member of the Advisory Committee. Added to the end of the subsection: "A representative from each qualified charitable organization may attend and speak at each advisory committee meeting but shall not have a vote on the advisory committee."

Section 2650.10(b) - Added to the five "at large" State employees on the advisory committee that there shall be "five or more State employees 'at large'."

Section 2650.10(b) - Changed participation on the advisory committee by a "state employee labor organization" to "a representative of a state employee labor organization". Additionally, added a "representative of State employees labor organization" to the list of Governor's appointees to the committee.

Section 2650.10(b)(3) - Deleted "chairpersons and".

Section 2650.10(c) - Reference to subsection (a) correctly changed to (b).

Section 2650.10(c) - Capitalized "Qualified Charitable Organization" in the fourth to last line.

Section 2650.10(c) - Deleted "Any volunteers recruited by charities from State offices" and replaced it with "Any State employee who volunteers for the campaign".

Section 2650.15 - Capitalized "Qualified Charitable Organization" in the opening line.

Section 2650.15(b) - Capitalized "Qualified Charitable Organization".

Section 2650.15(d) - To reference "Qualified Charitable Organization" consistently throughout the rules, changed "qualified participating organization" to "Qualified Charitable Organization".

Section 2650.15 g) - First word, previously capitalized, correctly changed to "during."

Section 2650.30(a) - Capitalized "Qualified Charitable Organization".

Section 2650.30(b) - Capitalized "Qualified Charitable Organization".

Section 2650.30(c)(4) - Added "SECA" before the word "organization".

Section 2650.40(a)(1) - Added: "If material is not submitted by deadlines established by the Department or Advisory Committee or is not approved by the same, that material shall be excluded and not distributed."

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Section 2650.40(b)(2) - To reference "Qualified Charitable Organization" consistently throughout the rules, changed two references to "charitable organization" to "Qualified Charitable Organization."

Section 2650.40(b)(4) - To reference "Qualified Charitable Organization" consistently throughout the rules, changed reference to "qualified organization" to "Qualified Charitable Organization."

Section 2650.40(c)(2) - The introductory line was rewritten as "The following actions are prohibited for the Qualified Charitable Organizations:".

Section 2650.40(d) - Was rewritten to delete the requirement that participating charities certify compliance with the Code of Campaign Conduct.

Section 2650.50 - Redefined and rewrote entire section in response to the public comments submitted during the first notice period. Notably, Section 2650.50(a) includes the significant change which redirects written complaints from the "Committee on Campaign Conduct" to the "Department". Subsequent language throughout the section is revised according to the changes made in the complaint and appeal process and to accommodate public comments.

Section 2650.60(a) - Deleted entire subsection and replaced it with the language establishing a campaign conduct committee.

Section 2650.60(c) - Added "except where action is taken to deny participation in SECA to a Qualified Charitable Organization in which case four-fifths of the Committee members must be present to take any such action".

Section 2650.60(d) - Cited Open Meetings Act.

Section 2650.60(e) - Deleted entire subsection and incorporated language in Section 2650.60(a).

Section 2650.70(a) and (b) - Deleted language in both subsections and replaced them with language requiring charities by a majority vote to determine how to allocate expenses. CMS would allocate expense if charities cannot agree.

Section 2650.70(b) - Identified three possible ways SECA campaign expenses might be allocated.

Several minor editing changes were made.

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. Sections 2650.40(c)(2), 2650.40(d) and 2650.70(a) were modified.

13) Will the Amendment replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendment:

These rules provide a Code of Conduct for charities participating in the Annual State and University Employee Combined Appeal and establish similar guidelines for State agencies in dealing with their employees. A procedure for dealing with violations of the Code of Conduct by the participating charities has also been adopted.

16) Information and questions regarding this adopted amendment shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE G: PAYROLL DEDUCTIONS

CHAPTER III: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2650

SOLICITATION FOR CHARITABLE PAYROLL DEDUCTIONS

Section	
2650.1	Definitions
2650.5	Entitlement
2650.10	Organization
2650.15	Annual Drive
2650.20	Recognition
2650.25	Request to Solicit Employees
2650.30	Prohibitions
2650.40	Code of Campaign Conduct
2650.50	Violation of Code of Campaign Conduct
2650.60	Committee on Campaign Conduct
2650.70	Allocation of Expenses to SECA Participants Membership

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b109) [20 ILCS 415/9] and Section 5 of the Voluntary Payroll Deduction Act of 1983 (Ill. Rev. Stat. 1991, ch. 15, par. 505) [5 ILCS 340/5].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 6975, effective April 1, 1988, for a maximum of 150 days; emergency repealer adopted at 12 Ill. Reg. 10191, effective June 10, 1988, for a maximum of 150 days; adopted at 13 Ill. Reg. 3330, effective March 6, 1989; amended at 16 Ill. Reg. 11438, effective July 6, 1992; amended at __ Ill. Reg. __, effective FEB 2 2 1994

Section 2650.1 Definitions

For purposes of this Part, the following terms shall have the meaning given below:

"Agency": Agencies, boards, commissions and other entities under the Governor. ~~Agencies under other~~ Constitutional officers, universities and other agencies shall be governed by the rules promulgated pursuant to this Section, unless such entities adopt their own rules governing solicitation of contributions at the workplace ~~may participate on a voluntary basis~~.

"Calendar Year": Any 12-month period beginning January 1;¹

"Chief Officer": The head of any agency, except institutions of higher education and their governing bodies, board or commission appointed by the Governor;²

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"Director": Unless a different agency is specified, "Director" shall mean the Director of the Department of Central Management Services or his or her designee;¹

"Employee": Any regular officer or employee who receives salary or wages for personal services rendered to the State of Illinois, except contractual, part-time, temporary or emergency employees or employees of institutions of higher education and their governing bodies;²

"Newly Qualified Charitable Organization": A Newly Qualified Charitable Organization will be defined, for privilege and financial purposes, as one which is participating in the SECA campaign for the first time.

"Qualified Charitable Organization": Any ~~not-for-profit~~ organization recognized by the Office of the Comptroller as eligible to receive payroll deductions under the Voluntary Payroll Deductions Act;³

"SECA": State and University Employees' Combined Appeal. The annual combined drive of a Qualified Charitable Organizations;⁴

"Withholding": The authorization by an employee for a specific amount to be deducted from salary or wages to be paid over promptly to the organization designated by the employee by means of warrants drawn by the State Comptroller or other appropriate source;⁵

"Work Place": The physical location for an employee to perform her or his work but not including any area accessible to the public or any area used exclusively for rest or refreshment;⁶

"Work Time": That period of the workday for which the employee is paid to perform services for the State of Illinois, but not including unpaid meal periods or paid rest periods.

(Source: Amended at __ Ill. Reg. __, effective FEB 2 2 1994)

Section 2650.10 Organization

a) The Director shall have general administrative and policy authority regarding SECA.

ab) An advisory support committee to assist in implementing and regulating and regulate the State and University Employees' Combined Appeal (SECA) is herewith established under the chairmanship of the Director (or his/her

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NOTICE OF ADOPTED AMENDMENTS

designee). Membership of this committee will consist of a representative from each qualified charitable organization; one five or more State employees "at large" representing employee interests; the prior year's SECA chairperson; the Director of the Lieutenant Governor's Office of Volunteer Services or his/her designee; a representative of a State employee labor organization; and one State employee, and the appointed SECA Chairperson for the current year. The public member will be appointed by the Governor. The committee shall meet at least once each year quarterly. The function of the committee is to advise the Director on SECA matters employee solicitation, including:

- 1) Discussion and planning of the administration and conduct of the annual campaign.
- 2) Review of combined campaign materials, educational programs, publicity efforts, campaign goals and recognition/award programs.
- 3) Selection process for SECA chairpersons and coordinators.
- 4) Verification of continuing eligibility through the Comptroller's Office.
- 5) Any other issues determined to be consistent with the functions of the committee.

A representative of each Qualified Charitable Organization may attend and speak at each advisory committee meeting, but shall not have a vote on the advisory committee.

- bc) A chairperson for each annual SECA shall be appointed by the Governor. Said chairperson shall serve on the support advisory committee to assist the Director on functions specified in subsections (ab)(2) and (ab)(3) above. Each chief officer shall appoint an executive coordinator for each annual campaign. SECA coordinators or other agency employees shall be permitted work time to perform their responsibilities, including campaign briefings and training, distribution of literature, collection of pledge cards, telephone and contact with representatives of the Qualified Charitable Organizations. SECA coordinators will be permitted to request liaisons to assist where an agency has multiple workites. SECA liaisons will be given time to meet with their coordinator for training. Any volunteers recruited by charities from State offices Any State employee who volunteers for the campaign shall contribute time solely during non-work hours.

- c) During the campaign period, employees may attend on their own volition presentations of each or any Qualified Charitable Organization, such time totaling not more than 1 hour in the aggregate annually. Agencies, in cooperation with

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the Qualified Charitable Organization, shall endeavor to schedule presentations to permit all interested employees to attend such presentations.

(Source: Amended at Ill. Reg. effective FEB 2 2 1994)

Section 2650.15 Annual Drive

An annual SECA drive shall be held to include all Qualified Charitable Organizations under the following conditions:

- a) the duration shall not be more than eight weeks in any given year and shall commence the 2nd Tuesday after Labor Day; solicitations for donations may commence no earlier than September 1, must end no later than November 30, and must be conducted within a period of eight consecutive weeks;
- b) equal access and promotional opportunity time shall be allowed for each Qualified Charitable Organization by the agency coordinator;
- c) there shall be no lessening or disruption of work in the work place;
- d) employees shall be informed regarding any Qualified participating Charitable Organization as charitable alternatives;
- e) qualification of any charitable organization by the Office of the Comptroller shall occur by April 15 December 31 prior to the annual drive whose authorized withholdings are to be effective the following January 1 as provided in Section 2650.20. Organizations shall submit the required designations and certifications to the Comptroller two weeks before the December 31 deadline;
- f) one combined brochure and payroll deduction form will be prepared and printed by the charities. This brochure will include all charities qualified as of the above cutoff date to participate in SECA and will be distributed during the campaign to all State employees covered under these rules by the Executive Coordinators and their liaisons;
- g) during the campaign period, employees may attend on their own volition presentations of each or any Qualified Charitable Organization, such time totaling not more than 1 hour in the aggregate annually. Agencies, in cooperation with the Qualified Charitable Organization, shall endeavor to schedule presentations to permit all interested employees to attend such presentations.

(Source: Amended at Ill. Reg. effective FEB 2 2 1994)

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Section 2650.25 Request to Solicit Employees

Any request by a qualified charitable organization, whether a Qualified Charitable Organization or not, to solicit contributions from employees received in any agency shall be forwarded to the Director for action as provided in this Part.

(Source: Amended at ___ Ill. Reg. ___, effective FEB 2 2 1994)

Section 2650.30 Prohibitions

- a) No charitable organization shall solicit State employees for donations at State work places except as a participant in SECA. No Only a Qualified Charitable eOrganization which does not participate in the annual combined campaign SECA shall be entitled to direct access in the work place and to employees in the work place and during work time during the course of the year.
- b) No employee shall solicit funds on behalf of any charitable organization which is not a Qualified eCharitable eOrganization during work hours in the work place.
- c) No State agency shall:
 - 1) allow supervisors to inquire about whether an employee chose to participate or not to participate or the amount of an employee's donation;
 - 2) set, request or encourage 100% participation goals or other goals that would imply compulsory participation;
 - 3) set, request or encourage personal dollar goals or quotas; or
 - 4) encourage contributions to particular SECA organizations.

(Source: Amended at ___ Ill. Reg. ___, effective FEB 2 2 1994)

Section 2650.40 Code of Campaign Conduct

Qualified Charitable Organizations that wish to seek contributions from State employees at their work place shall comply with this Code of Conduct.

- a) Approval and distribution of campaign materials

- 1) All materials to be distributed or used at the work place shall be reviewed and approved by the Department or Advisory Committee. If material is not submitted by deadlines established by the Department or Advisory

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Committee or is not approved by same, that material shall be excluded and not distributed.

- 2) Materials (including films and videotapes) shall be distributed to employees at the work place during the campaign period only.

- 3) During the 30 days immediately prior to the start of the campaign period, materials may be stored at the work site and made available to the agency SECA coordinator in preparation for the campaign.

b) Use of employee information

- 1) A State employee's name and address, obtained through SECA, shall not be used for fundraising purposes by a Qualified Charitable Organization when that State employee has expressly stated in writing that his/her name may not be so used or sold by that Qualified Charitable Organization. Any employee who does not provide such a written statement to a Qualified Charitable Organization shall be considered to have "released" his/her name and address to that Qualified Charitable Organization.

- 2) If a State employee releases his/her name to a Qualified Charitable Organization, the Qualified Charitable Organization may use the State Employee's name for the purpose of acknowledging their contribution and/or educating the State employee further regarding the Qualified Charitable Organization; however, no State employee's name which a Qualified Charitable Organization has been able to obtain only by virtue of such organization's participation in SECA may be used by such Qualified Charitable Organization for fund raising purposes other than in the SECA campaign, and may not be sold or given to another organization or entity.

- 3) State employees who at one time indicate that their name may not be released and at a later date decide to allow release must do so in writing to the Qualified Charitable Organization(s) to which the release applies.

- 4) State employees who at one time "release" their name may later rescind that authorization by submitting a letter to the Qualified Charitable Organization. The letter may be submitted to the Advisory Committee which will then forward the letter to the Qualified Charitable Organization.

c) Giving to be voluntary

- 1) All solicitation activities shall be designed and conducted to elicit voluntary giving. Actions that coerce an employee into giving, or create the appearance that employees must give, are not permitted.

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- 2) The following actions are prohibited for the Qualified Charitable Organizations.
- A) requesting or encouraging that employees be solicited by their supervisor or by any individual in their supervisory chain of command. (This does not prohibit requesting the head of a department or agency to demonstrate support of SECA in employee newsletters or other general communications.)
 - B) asking supervisors about whether an employee chose to participate or not to participate or the amount of an employee's donation.
 - C) setting, requesting or encouraging that a department or agency set 100% participation goals or other goals that would imply compulsory participation.
 - D) setting, requesting or encouraging that a department or agency set personal dollar goals or quotas.
 - E) encouraging contributions to particular organizations.

- d) Any charity which wishes to participate in SECA, either directly or indirectly through a united or umbrella organizational arrangement, shall comply with this Code of Campaign Conduct. If the participating charity is part of a united or umbrella organization, that umbrella or united organization shall be responsible for informing each of its participating charities of the Code of Campaign Conduct.

(Source Added at ____ Ill Reg ____ effective FEB 2 2 1994)

Section 2650.50 Violation of Code of Campaign Conduct

- a) Any State employee, governmental agency, university, or Qualified Charitable Organization with a complaint regarding SECA activities may submit a written complaint accompanied by supporting documentation to the Department.
- b) Within ten working days after receipt of the complaint, the Department shall contact the party subject of the complaint and supply them with a copy of the written complaint and supporting documentation. The party subject of the complaint shall submit a response to the Department within 10 working days after receipt of the complaint or the decision will be made without input from that party. Within ten working days after receiving the response, the Department will

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respond to the complainant denying the complaint, identifying the proposed resolution or taking other action, which may include conducting a hearing.

- c) Any such decision of the Department may be appealed to the Committee on Campaign Conduct within 10 calendar days after receipt of the response to the complaint.
- d) The goal of the Committee shall be to act on the appeal, which may include holding a public hearing, and make a final determination within 10 working days after receipt of the appeal.
- e) A Qualified Charitable Organization, or a benefiting agency of a Qualified Charitable Organization, may be denied participation in the SECA campaign for failure to comply with this Code of Campaign Conduct. Denial shall be for the next entire campaign period. Early reinstatement will be considered if the organization provides sufficient assurance that it will comply with these Code of Campaign Conduct rules. Restrictions may be placed on the Qualified Charitable Organization or benefiting agency if allowed early reinstatement. Suspension from a campaign shall not require a Qualified Charitable Organization to again meet basic qualifying criteria as set forth in the statute.
- f) To help other Qualified Charitable Organizations avoid suspension, the Department may circulate written reminders of conduct or actions which are or have been found to be violations of the Code.

(Source: Added at ____ Ill. Reg. ____ effective FEB 2 2 1994)

Section 2650.60 Committee on Campaign Conduct

- a) The Committee shall consist of the Director, the Director of the Lt. Governor's Office on Voluntary Action (LGOVA) and three members of the Advisory Committee to be named by the Director, not affiliated with any of the Qualified Charitable Organizations. In the event it is determined that any person named to the Committee is affiliated with any of the Qualified Charitable Organizations, the Director will name a substitute. For purposes of this paragraph, a person shall be deemed to be affiliated with a Qualified Charitable Organization if such person is on the Board of Directors of such organization or of any member agency of such organization or a paid employee of such organization or member agency of such organization.
- b) The Director of the Lt. Governor's Office on Voluntary Action shall serve as chair and provide staff for the Committee. The Committee shall choose a Vice-chair to serve in the Chair's absence.

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c) A quorum of those on the Committee shall be required to transact business except where action is taken to deny participation in SECA to a Qualified Charitable Organization in which case four-fifths of the Committee members must be present to take any such action.

d) Committee meetings shall be conducted pursuant to the Open Meetings Act [5 ILCS 120].

(Source: Added at Ill. Reg. _____, effective FEB 2 2 1994)

Section 2650.70 Allocation of Expenses to SECA Participants Membership

a) Expenses of SECA shall be borne by the Qualified Charitable Organization in an amount or proportion determined by a majority vote of those Qualified Charitable Organizations which will be participating in the SECA campaign.

b) If the Qualified Charitable Organizations do not reach agreement on allocation of expenses, the Department may allocate expenses in any of the following manners:

1) Expenses will be divided equally among all participating Qualified Charitable Organizations.

2) Newly Qualified Charitable Organizations will contribute the percent of the total budget as if such expenses were divided equally among the participating charities. The remainder of the expenses will be allocated to the Qualified Charitable Organizations that participated in the previous year's campaign with each organization contributing a percent of the expenses proportionate to the percent of the total contributions each organization earned in the previous year's campaign.

3) Expenses will be divided among all organizations which participate directly in the SECA Campaign as a Qualified Charitable Organization or which benefits from the SECA Campaign by receiving a distribution from a Qualified Charitable Organization.

4) Any other reasonable manner that the Department deems appropriate.

(Source: Added at Ill. Reg. _____, effective FEB 2 2 1994)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES

2) Code Citation: 32 Ill. Adm. Code 332

3) Section Number: 332.170 Adopted Action: Amendment

4) Statutory Authority: Implementing and authorized by Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 210 et seq.) [420 ILCS 40].

FEB 2 2 1994

5) Effective Date of Amendments:

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date filed in Agency's Principal Office: February 17, 1994

9) Notice of Proposal Published in the Illinois Register:

July 16, 1993 (17 Ill. Reg. 10701)

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version:

a) In the Authority Note, on line 1, by changing "Implemented" to "Implementing"; on line 2, by changing "420 ILCS 40/1-40/44" to "420 ILCS 40".

b) In Section 332.170(a), on line 2, by deleting the comma after the word "thoron"; and on line 4, by deleting the comma after the word "soil".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT(S)

'TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER b: RADIATION PROTECTION

PART 332

LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES

Section	
332.10	Purpose and Scope
332.20	Definitions
332.30	License Required
332.40	Application Content and Procedure
332.50	General Information
332.60	Technical Information
332.70	Technical Analyses
332.80	Institutional Information
332.90	Financial Information
332.100	Evaluation of License Application and Issuance of a License
332.110	General Conditions of Licenses
332.120	Application for Renewal or Closure
332.130	Contents of Application for Site Closure and Stabilization
332.140	Postclosure Observation and Maintenance
332.150	Termination of Source Material Milling Facility License
332.160	General Requirements
332.170	Protection of the General Population from Radiation
332.180	Protection of Individuals from Inadvertent Access
332.190	Protection of Individuals During Operations
332.200	Stability of the Byproduct Material Disposal Site After Closure
332.210	Technical Criteria for Byproduct Material Disposal Sites - Sitting Criteria
332.220	Technical Criteria for Byproduct Material Disposal Sites - Design Criteria
332.230	Technical Criteria for Byproduct Material Disposal Sites - Groundwater Protection
332.240	Technical Criteria for Byproduct Material Disposal Sites - Control of Radiation Hazards
332.250	Technical Criteria - Source Material Milling Operations
332.260	Financial Surety Requirements
332.270	Long-Term Care Payment
332.280	Land Ownership
332.290	Maintenance of Records, Reports, and Transfers

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 (Ill. Rev. Stat. ch. 111 1/2, pars. 210 et seq.) (420 ILCS 40).

SOURCE: Adopted at 14 Ill. Reg. 1333, effective January 5, 1990; amended at 18 Ill. Reg. 1333, effective January 5, 1994.

Section 332.170 Protection of the General Population from Radiation

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NOTICE OF ADOPTED AMENDMENT

- 15) **Summary and Purpose of Amendments:** This Amendment will clarify Section 332.170(a) concentration units for radioactive materials that may be released to the general environment. The Department is proposing to express the whole body dose limit as an "annual effective dose equivalent" and to express organ dose limits as an "annual dose equivalent." When this rule was originally proposed, the Department agreed in the Second Notice document filed with the Joint Committee on Administrative Rules that it would change the proposed wording in response to comments received during the First Notice Period. However, in the process of changing the terminology, the Department inadvertently deleted the language in the rule indicating that the dose limits were to be annual limits. The Department is proposing to modify Section 332.170 to clarify its intent that the subsection (a) specified annual dose limits.

- 16) Information and questions regarding these amendments shall be directed to:

Valerie Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois
(217) 785-9881 (voice)
(217) 795-9900 (TDD) 62704

The full text of the Adopted Amendments begins on the next page:

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a) At all times, concentrations of radioactive material, excluding radon, thoron and their progeny, which may be released to the general environment in groundwater, surface water, air, soil or other means ~~shall not result in a committed~~:

1) Shall not result in an annual effective dose equivalent in excess of 25 millirem (0.25 mSv) to the whole body ~~and a committed~~ of any member of the public; and

2) Shall not result in an annual dose equivalent in excess of 75 millirem (0.75mSv) to the thyroid ~~and~~ or 25 millirem (0.25 mSv) to any other organ of any member of the public.

b) Releases of radionuclides in effluents to the general environment shall be maintained as low as is reasonably achievable.

bc) During the operating life and facility decommissioning, the combined concentration of radon and thoron at the boundary of the licensed site, measured at a height of one meter from the surface, averaged annually, shall not exceed three picocuries per liter above the background concentration at the licensed site.

ed) The disposal area shall be designed so that after reclamation and stabilization, the annual total radon release rate through the cover from the byproduct material shall not exceed two picocuries per square meter per second. Furthermore, the direct gamma exposure rate from the byproduct material shall be reduced to background levels normal for areas in the vicinity.

(Source: Amended at 18 Ill. Reg. _____, effective
FEB 2 2 1994)

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NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

2) Code Citation: 32 Ill. Adm. Code 400

3) Section Number:

400.10
400.110
400.120
400.130
400.140
400.150
400.160

Adopted Action:
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment

4) Statutory Authority: Implementing and authorized by Sections 16 and 29 of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-16 and 210-29) [420 ILCS 40/16 and 29], and Section 5 of the Personnel Radiation Monitoring Act (Ill. Rev. Stat. 1991, ch. 111½, par. 230.15) [420 ILCS 25/5].

5) Effective Date of Amendments:

FEB 2 2 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does these amendments contain incorporations by reference? No

8) Date filed in Agency's Principal Office: February 17, 1994

9) Notice of Proposal Published in the Illinois Register:

June 18, 1993 (17 Ill. Reg. 8655)

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version:

a) In the Authority Note, on line 1, by deleting "40/"; and on line 3, by deleting "40/" immediately before "29" and "25/" immediately before "5".

b) In Section 400.10:

in subsection (a), on line 1, by deleting the comma after the word "instructions"; on line 8, by deleting "/1 et seq." after the

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statutory citation; and on line 9, by deleting the comma after the word "orders";

in subsection (b)(1), on line 1, by deleting the comma after the word "own".

c) In Section 400.110:

in subsection (a)(2), on line 2, by deleting the comma after the word "conditions";

in subsection (a)(4), on line 2, by deleting the comma after the word "penalty" and on line 3, by deleting the comma after the number "310";

in subsection (b), on line 1, by deleting the comma after the number "(2)";

in subsection (e), on line 5, by deleting the comma after the word "conspicuous".

d) In Section 400.120:

in subsection (a)(1), on line 1, by deleting the comma after the word "transfer";

in subsection (a)(2), on line 5, by deleting the comma after the word "exposure";

in subsection (a)(4), on line 2, by deleting the comma after the word "to".

e) In Section 400.130:

in subsection (a), by striking through the first sentence; in the second sentence, on line 5, by changing the phrase "The information reported" to "Notifications and reports provided to individuals in accordance with this Section"; on line 6, by deleting the comma after the word "orders"; and on line 9, by deleting the phrase "340.1130(b)(1), (2) and (3); 340.1140(a); 340.1150(a) and";

in subsection (a)(2), on line 2, by deleting the comma after the word "individual";

in subsection (a)(3), on line 1, by changing the word "exposure" to "dose";

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in subsection (b), on line 3, by changing the phrase "exposure to radiation or radioactive material" to "dose"; on line 4, by deleting the phrase "340.1130(b)(1), (2) and (3); 340.1140(a); 340.1150(a) and";

in subsection (c), on line 3, by deleting the phrase "exposure to radiation or radioactive material"; on line 4, by changing the phrase "for each year the worker was required to be monitored pursuant to 32 Ill. Adm. Code 340.520." to "dose"; and on line 8, by deleting the comma after the word "employment", by deleting the phrase "exposure of", and by changing the word "individual" to the phrase "individual's dose";

in subsection (d), on line 2, by inserting "340.1220." after the word "Code", by inserting "or 340.1240" after the number "340.1230"; on line 3, by changing the phrase "exposure of an individual to radiation or radioactive material" to "dose received by an individual"; on line 6, by changing the phrase "on the exposure data" to "of the dose information";

in subsection (e), on line 15, by changing the word "exposure" to "dose";

and by inserting an Agency Note at the end of this Section to read as follows:

"AGENCY NOTE: The reporting requirements of subsections (b), (c) and (e) above apply only to workers who are required to be monitored pursuant to 32 Ill. Adm. Code 340.520.".

f) In Section 400.140(a), on line 4, by deleting the comma after the word "premises" and on line 14, by deleting "40/".

g) In Section 400.160(a), on line 10, by deleting the comma after the word "condition"; and on line 16, by deleting the comma after the word "released".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.

13) Will these amendments replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: This Amendment will modify this Part to include both metric and English units of measurement; modify statutory citations so that they refer to the Illinois Compiled Statutes; and make non-substantive editorial changes. In Section 400.10, Purpose and Scope, the Department is modifying subsection (b) to clarify that the requirements of Part 400 apply to all radiation sources registered or licensed pursuant to 32 Ill. Adm. Code: Chapter II, Subchapters b and d. The Department is proposing to change the cross-references in Part 400 so they refer to the correct section of Part 340. In addition, in Section 400.130, the Department is clarifying the notification, posting and reporting requirements to individuals relating to the individual's dose information. The Department is also modifying Section 400.130 to further clarify what information must be provided to workers who are terminating employment.

- 16) Information and questions regarding these amendments shall be directed to:

Valerie Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 785-9900 (TDD)

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 400

NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

Section

400.10

400.110

400.120

400.130

400.140

400.150

400.160

400.170

Purpose and Scope
Posting of Notices to Workers
Instructions to Workers
Notifications and Reports to Individuals
Presence of Representatives of Licensees or Registrants and Workers During Inspection
Consultation with Workers During Inspections
Requests by Workers for Inspections
Inspections Not Warranted; Informal Review

AUTHORITY: Implementing and authorized by Sections 16 and 29 of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 210-16, 210-29) [420 ILCS 40/16 and 29], and Section 5 of the Personnel Radiation Monitoring Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 230.15) [420 ILCS 25/5].

SOURCE: Adopted at 10 Ill. Reg. 17496, effective September 25, 1986; amended at 11 Ill. Reg. 15629, effective September 11, 1987; amended at 13 Ill. Reg. 13581, effective August 11, 1989; amended at 16 Ill. Reg. 11531, effective July 7, 1992; amended at 18 Ill. Reg. _____, effective FEB 2 1994.

Section 400.10 Purpose and Scope

- a) This Part establishes requirements for notices, instructions and reports by licensees or registrants to individuals engaged in activities under a license or registration and options available to such individuals in connection with Department of Nuclear Safety (Department) inspections of licensees or registrants to ascertain compliance with the provisions of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 210-1 et seq.) [420 ILCS 40] (the Act) and regulations, orders and licenses issued thereunder regarding radiological working conditions.

- b) ~~the regulations in this~~ This Part shall apply to:

- 1) All persons who receive, possess, use, own or transfer sources of radiation registered with or licensed by the Department pursuant to 32 Ill. Adm. Code: ~~328-or-399~~ Chapter II, Subchapter b and d.
- 2) Inspection and testing of radiation machines and associated operating procedures by Departmental inspectors or by qualified nondepartment inspectors whose names are included in the

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department's record of individuals approved as qualified nondepartment inspectors of radiation machines pursuant to 32 Ill. Adm. Code 410.

3) Inspection of licensed activities by Departmental inspectors.

(Source: Amended at 18 Ill. Reg. _____, effective FEB 2 2 1994)

Section 400.110 Posting of Notices to Workers

a) Each licensee or registrant shall post current copies of the following documents:

- 1) ~~the~~regulations~~the~~ provisions in this Part and in 32 Ill. Adm. Code 340;
 - 2) ~~the~~The certificate of registration, the license, the license conditions, and any documents incorporated into the license by reference and amendments thereto;
 - 3) ~~the~~The operating procedures applicable to activities under the license or registration; and
 - 4) ~~any~~Any notice of violation involving radiological working conditions, proposed imposition of civil penalty or order issued pursuant to 32 Ill. Adm. Code 3107 and any response from the licensee or registrant.
- b) IF the posting of a document specified in subsections (a)(1), (2) or (3) ~~above~~ is not practicable, the licensee or registrant may post a notice which describes the documents and states where they may be examined.

c) Department Form KLA-001 "Notice to Employees" shall be posted by each licensee or registrant.

d) Department documents posted pursuant to subsection (a)(4) ~~above~~ shall be posted within ~~five~~five working days after receipt of the documents from the Department; the licensee's or registrant's response, if any, shall be posted within ~~five~~five working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of ~~five~~five working days or until action correcting the violation has been completed, whichever is later.

e) Documents, notices, or forms posted pursuant to this Section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(Source: Amended at 18 Ill. Reg. _____, effective FEB 2 2 1994)

Section 400.120 Instructions to Workers

a) All individuals working in, or the performance of whose duties requires access to any portion of a restricted area:

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- 1) ~~shall~~shall be kept informed of the storage, transfer or use of sources of radiation in such portions of the restricted area;
 - 2) ~~shall~~shall be instructed in the health protection problems associated with exposure to radiation or radioactive material, in the risks of radiation exposure to the embryo and fetus, in precautions or procedures to minimize exposure and in the purposes and functions of protective devices employed;
 - 3) ~~shall~~shall be instructed in, and instructed to observe to the extent within the worker's control, the conditions of the license, the provisions of this Part and 32 Ill. Adm. Code: Chapter II, Subchapter b and d for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;
 - 4) ~~shall~~shall be instructed to report promptly to the licensee or registrant any condition which may constitute, lead to or cause a violation of the Act, the conditions of the license, the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapter b and d or unnecessary exposure to radiation or radioactive material;
 - 5) ~~shall~~shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material; and
 - 6) ~~shall~~shall be advised as to the radiation exposure reports which workers shall be furnished pursuant to Section 400.130.
- b) These instructions shall be of sufficient detail to avoid radiological health protection problems and shall be given directly to each worker either in writing or in an orientation course, with the workers signing a statement that they have received the above information and understand it.

(Source: Amended at 18 Ill. Reg. _____, effective FEB 2 2 1994)

Section 400.130 Notifications and Reports to Individuals

a) ~~Registration-exposure data shall be maintained and reported to the licensee or registrant as specified in the license, the conditions of the license, the provisions of this Part and 32 Ill. Adm. Code 340-410 and 410.130(a) and (d). Each report shall include:~~

reported Notifications and reports provided to individuals in accordance with this Section shall include data and results obtained pursuant to this Part, orders or license conditions, as shown in records maintained by the licensee or registrant pursuant to 32 Ill. Adm. Code 340-410 and 410.130(a) and (d). Each report shall:

- 1) be in writing;
- 2) ~~include~~include the name of the licensee or registrant, the name of the individual and the individual's social security number;
- 3) ~~include~~include the individual's exposure dose information; and

DEPARTMENT OF NUCLEAR SAFETY

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1) ~~contain~~ the following statement:

"This report is furnished to you under the provisions of the Department of Nuclear Safety Regulations for Radiation Protection (32 Ill. Adm. Code 400). You should preserve this report for further reference."

a) ~~At the request of a worker, the~~ licensee or registrant shall advise each worker annually of the worker's ~~exposure to radiation or radioactive dose material~~ as shown in records maintained by the licensee or registrant pursuant to 32 Ill. Adm. Code ~~340-4010(a) and (d)~~ 340.1160(a) and (d).

c) At the request of a worker, each licensee or registrant shall furnish to the worker upon termination of employment a report of the worker's ~~exposure to radiation or radioactive material upon termination of employment dose~~. Such report shall be furnished within 30 days from the time the request is made, or within 30 days of termination of employment or within 30 days after ~~exposure of the individual's dose~~ whichever is later. The report shall cover ~~each calendar quarter in which the worker's activities involved exposure to sources of radiation all periods of time in which the worker was required to be monitored pursuant to 32 Ill. Adm. Code 340.520 and shall include the dates and locations of work under the license or registration in which the worker participated.~~

d) When a licensee or registrant is required pursuant to 32 Ill. Adm. Code ~~340-4050~~ 340.1220, 340.1230 or 340.1240 to report to the Department any ~~exposure of an individual to radiation or radioactive material~~ dose received by an individual, the licensee or the registrant shall also provide the individual a report ~~on the exposure data of the dose information included therein~~. Such reports shall be transmitted at a time not later than the transmittal to the Department.

e) At the request of a worker who is terminating employment ~~in a given calendar quarter~~ with the licensee or registrant in work involving radiation dose during the ~~current year~~, or of a worker who, while employed by another person, is terminating a work assignment ~~to work involving radiation dose in the licensee's or registrant's facility in that calendar quarter~~ during the ~~current year~~, each licensee or registrant shall provide to each such worker, or to the worker's designee, at termination, a written report regarding the radiation dose received by that worker from operations of the licensee or registrant during ~~that specifically identified calendar quarter~~ the ~~current year or fraction thereof~~, or provide a written estimate of that dose if the finally-determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such. If an estimate of dose is provided, the actual radiation exposure dose records shall be provided to the worker when these records become available to the licensee or registrant.

AGENCY NOTE: The reporting requirements of subsections (b), (c) and (e) above apply only to workers who are required to be monitored

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pursuant to 32 Ill. Adm. Code 340.520.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

FEB 22 1994

Section 400.140 Presence of Representatives of Licensees or Registrants and Workers During Inspection

a) Pursuant to Section 400.160 and 32 Ill. Adm. Code 310.50, each licensee or registrant shall afford the Department at all reasonable times the opportunity to inspect such materials, machines, activities, facilities, premises and records as the Department determines are necessary to establish compliance with the requirements of the license and the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. Reasonable times shall be any time the facility is operational. The inspection may be announced or unannounced. Materials licensees shall be inspected at least as frequently as they would have been inspected by the U.S. Nuclear Regulatory Commission (NRC) if the licensees were regulated by the NRC, but no more frequently than once in a calendar quarter. Radiation machines shall be inspected in accordance with the provisions of Sections ~~40-27~~ 27 and ~~40-29~~ 29 of the Act. Inspection of licensees and radiation machines may be conducted more frequently than once per calendar quarter if, in the past three years, there has been a condition at the facility which required emergency response; or if the Department has received a complaint; the investigation of which will result in a more frequent inspection; or if the Department has documented a violation of the Act or the above referenced rules of the Department at the facility and additional inspections are necessary to establish that the violation has been abated.

b) During an inspection, Departmental and qualified nondepartment inspectors may consult privately with workers as specified in Section 400.150. The licensee or registrant may accompany Departmental and qualified nondepartment inspectors during other phases of an inspection.

c) If, at the time of inspection, an individual has been authorized by the workers to represent them during inspections, the licensee or registrant shall notify the Departmental or qualified nondepartment inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

d) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in Section 400.120.

e) Different representatives of licensees or registrants and workers may accompany the Departmental or qualified nondepartment inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

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f) With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany Departmental and qualified nondepartment inspectors during the inspection of physical working conditions.

g) Notwithstanding the other provisions of this Section, Departmental inspectors and qualified nondepartment inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, i.e., trade secrets and commercial or financial information where such information is privileged or confidential or where disclosure of such information may be injurious to the national defense, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

(Source: Amended at 18 Ill. Reg. _____, effective _____,

FEB 2 2 1994

Section 400.150 Consultation with Workers During Inspections

a) Departmental and qualified nondepartment inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to the activities of the licensee or registrant which bear upon compliance with the conditions of the license or the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

b) During the course of an inspection, or at any other time, any worker may bring privately to the attention of the Department, its inspectors or qualified nondepartment inspectors, either orally or in writing, any past or present condition which the worker has reason to believe may have contributed to or caused any violation of the Act, the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d or license condition, or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of Section 400.160(a). If a worker seeks an opportunity to speak to an inspector during an inspection, the licensee or registrant shall permit the worker such opportunity.

*AGENCY NOTE: The provisions of subsection (b) above shall not be interpreted as authorization to disregard instructions pursuant to

(Source: Amended at 18 Ill. Reg. _____, effective _____,

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FEB 2 2 1994

Section 400.160 Requests by Workers for Inspections

a) Any worker or representative of workers believing that a violation of the Act, the provisions of this Part or 32 Ill. Adm. Code: Chapter II, Subchapters b and d, or license conditions exists or has occurred, or that an unnecessary exposure to radiation or radioactive material has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Department. Any such notice shall be in writing, shall set forth the circumstances describing the perceived violation or condition and shall be signed by the worker or representative of the workers. A copy of the notice shall be provided to the licensee or registrant by the Department no later than at the time of inspection except that, upon the request of the worker giving such notice, his name and the name of individuals referred to therein shall not appear in such copy or on any record published, released or made available by the Department, except for good cause shown, such as when necessary in the course of enforcement actions.

b) If conditions stated on the face of the complaint indicate there is or has been a violation or the possibility of a violation, the Department shall conduct an inspection as soon as practicable to determine if such alleged violation exists or has occurred. Inspections made pursuant to this Section need not be limited to matters referred to in the complaint.

c) No licensee or registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceedings under this Part or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this Part. Furthermore, each licensee and registrant shall instruct his contractors and subcontractors not to discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceedings under this Part or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others any option afforded by this Part. Any worker who believes that he has been so discharged or discriminated against may file a complaint with the Department alleging a violation of this subsection.

(Source: Amended at 18 Ill. Reg. _____, effective _____,

FEB 2 2 1994

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: PARTICLE ACCELERATORS
- 2) Code Citation: 32 Ill. Adm. Code 390
- 3) Section Number:
 390.20 Adopted Action:
 390.30 Amendment
 390.40 Amendment
 390.50 Amendment
 390.60 Amendment
 390.70 Amendment
- 4) Statutory Authority: Implementing and authorized by Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 210 et seq.) [420 ILCS 40].
- 5) Effective Date of Amendments: **FEB 22 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: February 17, 1994
- 9) Notice of Proposal Published in the Illinois Register:
 June 18, 1993 (17 Ill. Reg. 8666)
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version:
 a) In the Authority Note, on line 2, by changing "[420 ILCS 40/1 - 40/44]" to "[420 ILCS 40]".
 b) In Section 390.20, in the definition of "Particle accelerator", on line 3, by deleting the hyphen after the word "Examples".
 c) In Section 390.30:
 in subsection (a), on line 7, by deleting the word "shall" immediately after the word "and";
 in subsection (e), on line 3, by retaining the word "the" after the word "of";

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- in subsection (f), on line 1, by deleting the comma after the word "repairs";
- in subsection (j), on line 2, by deleting the comma after the word "regulation".
- d) In Section 390.50(b), on line 6, by changing "51.6 μ C/kg" to "51.6 microC/kg".
- e) In Section 390.70:
 in subsection (a)(1)(A), by changing the comma to a semi-colon at the end of the subsection;
 in subsection (a)(1)(B), by changing the comma to a semi-colon at the end of the subsection;
 in subsection (a)(1)(C), by changing the comma to a semi-colon at the end of the subsection;
 in subsection (a)(1)(D), by changing the comma to a semi-colon at the end of the subsection;
 in subsection (a)(1)(E)(i), by changing the comma to a semi-colon at the end of the subsection;
 in subsection (a)(1)(E)(ii), by changing the comma to a semi-colon at the end of the subsection;
 in subsection (a)(1)(E)(iii), by changing the comma to a semi-colon at the end of the subsection;
 in subsection (a)(3)(A), by changing the comma to a semi-colon at the end of the subsection; and
 in subsection (a)(3)(B), by changing the comma to a semi-colon at the end of the subsection.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.
- 13) Will these amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: The Amendment will: (a) modify this Part to include both metric and English units of measurements; (b) modify statutory citations so that they refer to the Illinois Compiled Statutes; and make non-substantive editorial changes. In addition, this amendment will add a definition for the term "Qualified Expert." (see Section 390.20). This amendment will also modify Section 390.50, "Radiation Monitoring" to clarify that thermoluminescent dosimeters (TLD's) may be used to monitor radiation exposure to individuals entering a restricted area.

- 16) Information and questions regarding these amendments shall be directed to:

Valerie Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 785-9900 (TDD)

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER II: RADIATION PROTECTION

PART 390
PARTICLE ACCELERATORS

Section	Scope
390.10	Section 390.10
390.20	Section 390.20
390.30	Operating Procedures and Instructions
390.40	Equipment Controls
390.50	Radiation Monitoring
390.60	Radiation Surveys
390.70	Minimum-Dose Limit, Practical As-Particulate-Accelerator-Spectroscopy

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1980 (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 210-1 et seq.) (420 ILCS 40).

SOURCE: Filed and effective April 24, 1970, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1316, effective December 3, 1980; codified at 7 Ill. Reg. 11278; amended at 18 Ill. Reg. _____, effective FEB 22 1994.

Section 390.20 Definitions

As used in this Part:

a) "Accelerator Facility" means the location at which one or more particle accelerators are installed within one building or under one roof and are operated under the same administrative control.

b) "Particle Accelerator" means any device other than an x-ray machine which emits ionizing radiation as a result of the acceleration of charged particles. Examples - are cyclotrons, betatrons, electron linear accelerators and medical isotope accelerators.

"Qualified expert" means an individual who has demonstrated to the satisfaction of the Department that he or she possesses the knowledge and training to measure ionizing radiation, to evaluate safety techniques and to advise regarding radiation protection needs. Satisfactory demonstration of such knowledge and training should include certification by a nationally recognized credentialing entity in the field of radiation protection.

(Source: Amended at 18 Ill. Reg. _____, effective FEB 22 1994)

Section 390.30 Operating Procedures and Instructions

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- a) Each registrant shall inform individuals working in or frequenting any portion of a restricted area as to the presence of radiation or particle accelerators; instruct such individuals in safety problems associated therewith and in precautions or procedures to minimize radiation exposure; instruct such individuals in the provisions of Department regulations for the protection of personnel from exposures to radiation; and ~~shall~~ advise such individuals of reports of radiation exposure which those individuals may request pursuant to ~~this Part.~~
- b) Each particle accelerator facility shall be under the administrative control of a radiation protection officer or radiation safety committee who will be responsible for the safe operation of the accelerator.
- c) Written operating and emergency procedures as well as specified safety rules shall be established for each accelerator facility and approved by the radiation protection officer.
- d) ~~Operators--and--maintenance--personnel--~~ Personnel who operate or maintain particle accelerators shall be familiar with and have available a copy of the written operating and emergency procedures.
- e) No individual shall be permitted to ~~act as an operator of~~ operate or maintain an accelerator until such ~~person~~ individual has received at least the ~~minimum~~ training specified in Section 390.70.
- f) Modification, repair, or preventive maintenance on accelerator components or safety interlocks may be performed only by or under the direct supervision of ~~persons~~ individuals who have received at least the ~~minimum~~ training specified in Section 390.70.
- g) Provisions shall be made at each accelerator control console to display the ~~operator's~~ name of the individual who is authorized to operate the accelerator. Only the ~~operator~~ individual whose name is displayed may turn on the accelerator or open entrances to ~~High Radiation Areas~~ high radiation areas.
- h) The radiation safety officer shall maintain a current list of all ~~operators--and--technical~~ personnel who are qualified to ~~operate or~~ service the particle accelerator.
- i) No registrant shall permit a particle accelerator to operate at any time with a safety interlock bypassed, except for necessary testing. Upon such circumvention of an interlock, the registrant shall maintain records showing the date and reasons for bypassing the interlock. A sign shall be posted at the personnel entrance door being bypassed and this condition terminated as soon as possible.
- j) Additional Requirements ~~-----this~~. The Department may, by rule, regulation or order impose upon any registrant such requirements in addition to those established in this Part, as it deems appropriate or necessary to minimize danger to public health and safety or property.

(Source: **FEB 2 2 1994** 18 Ill. Reg. _____, effective _____)

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- a) All meters and controls on the accelerator control console shall be clearly identified and easily discernible. ~~Accelerator control~~ consoles shall be equipped with a keyswitch or other device which will render the console inoperative when the key or device is removed. Only one key shall be available to the operating crew.
- b) All entrances into a target room or other high radiation area shall be provided with a minimum of two personnel interlocks.
- c) The interlock system shall be designed to prevent restarting of the accelerator without manually resetting the accelerator "ON" switch at the control console after the tripping of a shielding interlock or a power failure. At the time of such an occurrence, the registrant is required to resurvey the radiation area prior to reactivation of the accelerator. Records documenting the circumstances surrounding such occurrences shall be maintained for review by ~~this~~ the Department.
- d) A scram or panic button or other emergency power cut-off switch shall be located and easily identifiable in all accessible high radiation areas. A visible and/or audible signal system shall be installed within the protective enclosure which will be activated for a reasonable length of time before the power to the accelerator can be activated.
- e) Electrical circuit diagrams of the accelerator and the associated interlock system shall be kept current and on file at each accelerator facility.
- f) All safety and warning devices, including interlocks, shall be checked and appropriately serviced each month. A log and written records of these tests shall be kept by the registrant and made available for inspection by the Department.

(Source: Amended at 18 Ill. Reg. _____, effective **FEB 2 2 1994**)

Section 390.50 Radiation Monitoring

- a) Portable radiation monitoring equipment must shall be properly maintained and available at the accelerator facility. An appropriate radiation monitor shall be used for all accelerator target rooms and other high radiation areas. This monitor shall be one or more of the following:
- 1) An area monitor with an easily observable indicator located near the entrance that warns of radiation levels above a predetermined limit;
 - 2) A personal radiation monitor of ~~this~~ the "chirpie" type worn while in the room;
 - 3) A portable survey instrument carried into the room; or
 - 4) A monitor approved by the Department.
- b) No registrant shall permit any ~~person~~ individual to enter a restricted area unless ~~each--person~~ such individual wears a film badge or thermoluminescent dosimeter (TLD) and a pocket ~~dosimeter~~ ionization chamber. Pocket ~~dosimeters~~ ionization chambers shall be capable of

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measuring doses from zero to at least 200--militiroentgens 51.6 microC/kg (200 mR). A film badge or thermoluminescent dosimeter (TLD) shall be assigned to and worn by only one person individual and shall be capable of registering 10-Roentgens 2.58 mC/kg (10R) or greater.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 390.60 Radiation Surveys

- a) The registrant shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by the Department. Each radiation survey instrument shall be checked every three 3 months and calibrated once-a at intervals not to exceed 1 year. After each instrument servicing, a record shall be maintained of the latest response check or calibration date.
- b) Before a new accelerator with its associated components is placed in routine operation, a radiation protection survey shall be made by a qualified expert and a copy of the results submitted to the Department.
- c) The area surrounding a particle accelerator and associated components shall be surveyed at intervals not to exceed three 3 months. A record shall be made of the accelerator operating conditions and radiation levels measured at specific control points. These control points must be well defined and reported on at least four consecutive surveys. One of these control points must be at the normal work station of the operator individual who operates the accelerator. These records shall be made available for inspection by the Department.

(Source: **FEB 2 2 1994** 18 Ill. Reg. _____, effective _____)

Section 390.70 Minimum Personnel Training of Particle-Accelerator Operators

- a) The registrant shall ensure that all personnel who operate particle accelerators shall be instructed in the fundamentals of radiation safety including:
 - 1) Characteristics of beta, gamma and x-radiation;
 - 2) Units of radiation dose equivalent (mrem) (sievert or Sv);
 - 3) Hazards of excessive exposure to radiation;
 - 4) Levels of radiation from particle accelerators; and
 - 5) Methods used to prevent radiation-exposure limit radiation doses at the specific facility to be operated, including:
 - 1) Shielding;
 - 2) Safety rules; and

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- b) All operators shall be instructed on Receive instruction in the use and care of personnel individual monitoring equipment employed devices used at the facility.

1) All operators shall be instructed on the location and use of all operating controls;

d) All operators shall be instructed with the pertinent requirements of personnel state regulations 12 Ill. Adm. Code: Chapter 11, Subchapter B; and

1) All operators shall be instructed with the registrant's written operating and emergency procedures.

1) All operators shall receive at least one 1 month of on-the-job training before assuming operational responsibility.

g) All operator's assistants or helpers shall receive the training listed in paragraphs subsections (a)(i) through (e)(j) of this Section 390.70.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

FEB 2 2 1994

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of Part: Solicitation for Charitable Payroll Deductions

Code Citation: 80 Ill Adm Code 2650

Section Numbers:

2650.1	2650.10
2650.15	2650.25
2650.30	2650.30
2650.40	2650.50
2650.60	2650.70

Date Originally Published in the Illinois Register: 2/26/93
17 Ill Reg 2449

At its meeting on February 15, 1994, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Department continue discussions with JCAR staff and affected charities in an attempt to resolve remaining issues being raised by those charities.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of Part: Licensing Standards for Day Care Homes

Code Citation: 89 Ill Adm Code 406

Section Numbers:

406.12
406.13
406.14

Date Originally Published in the Illinois Register: 7/30/93
17 Ill Reg 11964

At its meeting on February 15, 1994, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Department of Children and Family Services meet with the Office of the State Fire Marshal and the Joint Committee staff to discuss outstanding issues affecting day care homes and group day care homes raised by public commentators.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of Part: Licensing Standards for Group Day Care Homes

Code Citation: 89 Ill Adm Code 408

Section Numbers: 408.60
408.65
408.70

Date Originally Published in the Illinois Register: 7-30-93
17 Ill Reg 11976

At its meeting on February 15, 1994, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Department of Children and Family Services meet with the Office of the State Fire Marshal and the Joint Committee staff to discuss outstanding issues affecting day care homes and group day care homes raised by public commentors.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION

NOTICE PURSUANT TO

ILL. REV. STAT. 1991, CH. 111½, PAR. 1007.2(b) [415 ILCS 5/7.2(b)]

Section 22.7 of the Environmental Protection Act (Act) (415 ILCS 5/22.7 (1992)) requires the Board to adopt regulations which are "identical in substance" to USEPA rules adopted to implement Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. The term "identical in substance" is defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of a federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons for the extension. The Board need not specify a date certain for completion of the rulemaking if the need to delay adoption is pending an occurrence of an event beyond the Board's control.

On February 3, 1994, in R92-18, the Pollution Control Board entered the following order pursuant to Section 7.2(b) of the Act. The contingency plan update rulemaking would affect 35 Ill. Adm. Code 750. No amendments to Part 750 have been published in the Illinois Register to date:

On August 5, 1993, the Board issued an extension of time order pursuant to Section 7.2 and 22.7 of the Environmental Protection Act ("Act") (415 ILCS 5/7.2(b) and 5/22.7 (1992).) Sections 7.2 and 22.7 of the Act require the Board to adopt amendments to State's contingency plan regulations pursuant to "identical in substance" rulemaking procedures, unless the Board formally extends the time in accordance with Section 7.2. The contingency plan regulations are to be identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the USEPA to implement Section 105 of Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA").

On February 1, 1994, the Illinois Environmental Protection Agency ("Agency") submitted a request that we further extend the completion date for this rulemaking. The Agency is pursuing an amendment to Section 22.7 in the upcoming legislative session. Such an amendment would substantially alter, if not remove the legislative mandate entirely that the Board adopt identical in substance rules to USEPA CERCLA Section 105 regulations when no federal authorization or USEPA approval is required. Clearly, such a legislative change would impact the outcome of this rulemaking, if not obviate it altogether.

Therefore, we are hereby formally extending the time for completion of this rulemaking. However, we decline to set a time certain and do so based on the

nature of the legislative process. Should a legislative amendment not be successful, the Board estimates it would require six months to complete the rulemaking. Pursuant to Section 7.2(b) of the Act, the Board will submit this order for publication in the Illinois Register as expeditiously as possible.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 15, 1994 through February 21, 1994, and have been scheduled for review by the Committee at its March 22, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
4/1/94	<u>Department of Public Aid, Medical Payment (89 Ill Adm Code 140)</u>	10/29/93 17 Ill Reg 18768	3/22/94
4/1/94	<u>Illinois Commerce Commission, Interconnection (83 Ill Adm Code 790)</u>	11/12/93 17 Ill Reg 19354	3/22/94

PROCLAMATION

94-044

DOCTOR'S DAY

Whereas, Doctor's Day, Wednesday, March 30, 1994, is designed to celebrate patient care by physicians and the marvelous advances in medical care for all Illinoisans; and

Whereas, Doctor's Day reminds all Illinois residents to commit themselves to exercise and good nutrition; and

Whereas, Doctor's Day celebrates the trust which exists between the physician and the patient; and

Whereas, Doctor's Day commemorates the birthday of Crawford W. Long, M.D., a Georgia physician who first used ether anesthesia; and

Whereas, Doctor's Day was adopted by the U.S. Congress in 1958 and is celebrated each year on March 30; and

Whereas, the 11,000 physicians of the Chicago Medical Society are working together to promote the best in care for their patients;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 30, 1994, as DOCTOR'S DAY in Illinois.

Issued by the Governor February 10, 1994.

Filed with the Secretary of State February 17, 1994.

94-045

AFRICAN AMERICAN CONTRACTORS DAY

Whereas, the African American Contractors Association has long been a champion of the cause of minorities working in the construction industry; and

Whereas, the AACA provides construction financing for contractors through a contractor financing program which is supported by government and private corporations; and

Whereas, the AACA is dedicated to assisting and helping to develop African American contractors and businesses; and

Whereas, the Association will hold their Fifth Annual Membership and Awards Reception in celebration of their fifth anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 9, 1994, as AFRICAN AMERICAN CONTRACTORS DAY in Illinois.

Issued by the Governor February 14, 1994.

Filed with the Secretary of State February 17, 1994.

94-046

AMERICAN RED CROSS MONTH

Whereas, the American Red Cross was founded by Clara Barton on May 21, 1881, and is the largest social service agency in the world; and

Whereas, the American Red Cross in Illinois provides services for the more than 11 million residents of our state; and

Whereas, the American Red Cross is designated by the Congress of the United States (Act of Congress of January 5, 1905, as amended, 36 U.S. Code 3, Fifth) as the nation's main voluntary agency responsible for disaster relief; and

Whereas, the Red Cross also is designated by Congress as the primary emergency communications link between men and women in the military and their families at home; and the American Red Cross helps the military and their families understand government benefits, cut through red tape in correcting military records, and get necessary health and support services 365 days a year; and

Whereas, the American National Red Cross is the principal deliverer of health and safety service to the American people as approved by the American Academy of Sciences; and

Whereas, the American Red Cross is a volunteer organization, governed and supported by volunteers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1994 as AMERICAN RED CROSS MONTH in Illinois and urge all citizens to continue their generous support and ready assistance to the work of the American Red Cross chapters throughout the state.

Issued by the Governor February 14, 1994.

Filed with the Secretary of State February 17, 1994.

94-047

CHICAGO ACADEMY FOR THE ARTS-
5TH ANNUAL DESSERT CLASSIC DAY

Whereas, the 5th Annual Chocolate Dessert Classic for the benefit of the Chicago Academy for the Arts, a non-profit organization, will be held on Sunday, March 6, 1994, at Chicago's Hyatt Regency; and

Whereas, more than 7,000 individuals are expected to attend the event which will feature chocolate dessert samples from more than 30 of the city's finest chefs; and

Whereas, the Chicago Academy for the Arts provides a unique haven for Chicago's talented high school youth which is funded primarily through private contributions and funds raised through events such as the 5th Annual Chocolate Dessert Classic; and

Whereas, the State of Illinois recognizes the efforts of the Academy and the Dessert Classic for their efforts on behalf of the city's young people to join together to raise funds for the Academy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 6, 1994, as CHICAGO ACADEMY FOR THE ARTS-5TH ANNUAL DESSERT CLASSIC DAY in Illinois.

Issued by the Governor February 14, 1994.
Filed with the Secretary of State February 17, 1994.

94-048
CHRONIC FATIGUE SYNDROME AWARENESS MONTH

Whereas, Chronic Fatigue Syndrome (CFS) is a disease that devastates its victims, often leaving them in a condition of continuous, disabling fatigue; and

Whereas, the burdens are even greater for CFS sufferers because physicians often are unfamiliar with the illness, insurance companies refuse to honor CFS-related health claims, and many compensation distributors do not honor CFS as a compensable disease; and

Whereas, since being chartered in 1990, the CFS Society of Illinois and its supporters have increased awareness of the disease among physicians to the point of the opening of a CFS evaluation and treatment center; and

Whereas, the Chronic Fatigue Syndrome Society of Illinois strives to circulate information to the afflicted, the health care providers, and the public and to stimulate interest in finding a cure for CFS;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1994 as CHRONIC FATIGUE SYNDROME AWARENESS MONTH in Illinois and encourage citizens to join in the fight to relieve the pain and frustration of CFS victims.

Issued by the Governor February 14, 1994.
Filed with the Secretary of State February 17, 1994.

94-049
NATIONAL AMERICAN BUSINESS CLUB MONTH

Whereas, the National American Business Club (AMBUCS) is a national charitable organization consisting of numerous local chapters located throughout the United States of America, chartered and existing since 1922; and

Whereas, the following 20 local chapters of the National American Business Club are located in various communities throughout Illinois: Champaign-Urbana Ambucs; Greater Champaign County (Urbana) Ambucs; Danville Ambucs; Springfield ABC; Jacksonville ABC; Peoria Noon Ambucs; Pekin Ambucs; Decatur Noon Ambucs; Eastern Illinois Ambucs; Sullivan ABC; Cornbelt (Bloomington) Ambucs; Tuscola ABC; Starved Rock (Ottawa) Ambucs; Prairieland (Decatur) Ambucs; and Spirit of Peoria ABC; and

Whereas, members of the Illinois Chapters of the American Business Club have raised funds by volunteering thousands of hours of their time at fundraising events in their respective communities and throughout the state and have contributed several millions of dollars raised over the years directly to local and state charities; and

Whereas, by reason of the generous time and charitable contributions of the members of the Illinois chapters, the quality of life in communities throughout Illinois has benefited;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1994 as NATIONAL AMERICAN BUSINESS CLUB MONTH in Illinois and encourage Illinois citizens to recognize these local chapters of the American Business Club for their efforts in making our communities a better place to live, work, and raise our families.

Issued by the Governor February 14, 1994.
Filed with the Secretary of State February 17, 1994.

94-050
SCHOOL BREAKFAST WEEK

Whereas, studies and reports have confirmed that the health and nutrition habits of America's young people are directly linked to their ability to learn; and

Whereas, a good breakfast is the key to a healthy start each day; and

Whereas, the School Breakfast Program, which has played an important role in promoting better nutrition for children and combating hunger since 1966, provides breakfast at no charge for more than 88 percent of children served by the program; and

Whereas, the School Breakfast Program, an extension of the National School Lunch Program, provides the necessary nutritious meals that help ensure that our children have the energy, stamina, and good health needed to remain eager and attentive students; and

Whereas, through the program, an important investment is being made in our future through the advancement of our young people within the education system; and

Whereas, 1,488 Illinois schools offer the School Breakfast Program to students;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 7-11, 1994, as SCHOOL BREAKFAST WEEK in Illinois.

Issued by the Governor February 14, 1994.
Filed with the Secretary of State February 17, 1994.

94-051
SCHOOL SOCIAL WORK WEEK

Whereas, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success; and

Whereas, school social workers assist the most vulnerable children and adolescents, including children with handicaps, abused and neglected children, low-income and minority children, pregnant teens, suicidal teens, potential dropouts, substance abusers, and other at-risk children and youths; and

Whereas, school social workers help parents and school personnel bridge the gap between home and school, coordinating community services to meet special needs of children and families; and

Whereas, school social workers work closely with school administrators, teachers, and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and

Whereas, school social workers advocate for schools, families, children, and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 12-18, 1994, as SCHOOL SOCIAL WORK WEEK in Illinois.

Issued by the Governor February 14, 1994.

Filed with the Secretary of State February 17, 1994.

94-052

DENIM DAY

Whereas, since 1947 the Illinois Easter Seals Society has served the Sangamon County area as well as 42 other Illinois counties; and

Whereas, the Illinois Easter Seals Society is a charitable organization helping disabled children and adults with disabilities gain maximum independence; and

Whereas, the 1994 Easter Seals Telethon will air Sunday, March 6, from 8 a.m. to 6 p.m.; and

Whereas, to help promote and involve individuals in the telethon, the society will observe February 25, 1994, as "Denim Day"; and

Whereas, on Denim Day individuals are encouraged to wear blue jeans to work in exchange for a one dollar contribution to the Easter Seal Society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 25, 1994, as DENIM DAY in Illinois.

Issued by the Governor February 15, 1994.
Filed with the Secretary of State February 17, 1994.

94-053

DENTAL ASSISTANTS RECOGNITION WEEK

Whereas, dental assistants, working with the dental professional, play an important role in maintaining the dental health of the citizens of Illinois and the United States; and
Whereas, dental assistants, through their skills and knowledge, make dental care possible for an increasing number of our citizens; and

Whereas, for more than 65 years, the American Dental Assistants Association has encouraged and made possible continuing education for dental assistants in order to enhance the delivery of dental health care to the public; and

Whereas, the American Dental Assistants Association and the American Dental Association have designated March 7-12, 1994, as Dental Assistants Recognition Week throughout the United States; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 7-12, 1994, as DENTAL ASSISTANTS RECOGNITION WEEK in Illinois.

Issued by the Governor February 15, 1994.

Filed with the Secretary of State February 17, 1994.

94-054

EMPLOY THE OLDER WORKER WEEK

Whereas, Illinois is proud to recognize and honor the state's older workforce and their employers by participating in the National Employ the Older Worker Week; and

Whereas, workers age 55 and over are a vital part of the workforce in today's business community, and they bring with them a wealth of knowledge, years of employment experience, and a strong work ethics; and

Whereas, the number of older workers is rapidly increasing and business and industry are relying more and more on the older worker to meet the challenges of the changing workforce; and

Whereas, older workers provide the business community with excellent job skills, maturity, stability, and leadership abilities that can significantly influence future generations; and

Whereas, employers are increasingly recognizing the value of the older worker and are finding that a trained older workforce is vital to today's economy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 13-19, 1994, as EMPLOY THE OLDER WORKER WEEK in

Illinois, and I encourage all the citizens of Illinois to join with me to salute the older worker--working smart, staying sharp in Illinois.

Issued by the Governor February 15, 1994.

Filed with the Secretary of State February 17, 1994.

ACTION CODES

A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	

*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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[illegible]

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212.702	n	(P-9671)	728.135	am	(P-388)	811.713	am	(P-8726/93.A-1308)
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212.705	n	(P-9671)	739.111	am	(P-455)	811.716	am	(P-8726/93.A-1308)
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212.707	am	(P-12491/93.A-1945)	739.121	am	(P-455)	811.718	am	(P-8726/93.A-1308)
218.106	am	(P-12491/93.A-1945)	739.122	am	(P-455)	811.719	am	(P-8726/93.A-1308)
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218.114	am	(P-12491/93.A-1945)	739.125	am	(P-455)	811.722	am	(P-8726/93.A-1308)
218.402	am	(P-12491/93.A-1945)	739.126	am	(P-455)	811.723	am	(P-8726/93.A-1308)
218.602	am	(P-12491/93.A-1945)	739.127	am	(P-455)	811.724	am	(P-8726/93.A-1308)
218.611	am	(P-12491/93.A-1945)	739.128	am	(P-455)	811.725	am	(P-8726/93.A-1308)
218.620	am	(P-12491/93.A-1945)	739.129	am	(P-455)	811.726	am	(P-8726/93.A-1308)
218.623	am	(P-12491/93.A-1945)	739.130	am	(P-455)	811.727	am	(P-8726/93.A-1308)
218.626	r	(P-12491/93.A-1945)	739.131	am	(P-455)	811.728	am	(P-8726/93.A-1308)
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218.667	am	(P-12491/93.A-1945)	739.134	am	(P-455)	811.731	am	(P-8726/93.A-1308)
218.668	am	(P-12491/93.A-1945)	739.135	am	(P-455)	811.732	am	(P-8726/93.A-1308)
218.670	n	(P-12491/93.A-1945)	739.136	am	(P-455)	811.733	am	(P-8726/93.A-1308)
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			739.139	am	(P-455)	811.736	am	(P-8726/93.A-1308)
			739.140	am	(P-455)	811.737	am	(P-8726/93.A-1308)
			739.141	am	(P-455)	811.738	am	(P-8726/93.A-1308)
			739.142	am	(P-455)	811.739	am	(P-8726/93.A-1308)
			739.143	am	(P-455)	811.740	am	(P-8726/93.A-1308)
			739.144	am	(P-455)	811.741	am	(P-8726/93.A-1308)
			739.145	am	(P-455)	811.742	am	(P-8726/93.A-1308)
			739.146	am	(P-455)	811.743	am	(P-8726/93.A-1308)
			739.147	am	(P-455)	811.744	am	(P-8726/93.A-1308)
			739.148	am	(P-455)	811.745	am	(P-8726/93.A-1308)
			739.149	am	(P-455)	811.746	am	(P-8726/93.A-1308)
			739.150	am	(P-455)	811.747	am	(P-8726/93.A-1308)
			739.151	am	(P-455)	811.748	am	(P-8726/93.A-1308)
			739.152	am	(P-455)	811.749	am	(P-8726/93.A-1308)
			739.153	am	(P-455)	811.750	am	(P-8726/93.A-1308)
			739.154	am	(P-455)	811.751	am	(P-8726/93.A-1308)
			739.155	am	(P-455)	811.752	am	(P-8726/93.A-1308)
			739.156	am	(P-455)	811.753	am	(P-8726/93.A-1308)
			739.157	am	(P-455)	811.754	am	(P-8726/93.A-1308)
			739.158	am	(P-455)	811.755	am	(P-8726/93.A-1308)
			739.159	am	(P-455)	811.756	am	(P-8726/93.A-1308)
			739.160	am	(P-455)	811.757	am	(P-8726/93.A-1308)
			739.161	am	(P-455)	811.758	am	(P-8726/93.A-1308)
			739.162	am	(P-455)	811.759	am	(P-8726/93.A-1308)
			739.163	am	(P-455)	811.760	am	(P-8726/93.A-1308)
			739.164	am	(P-455)	811.761	am	(P-8726/93.A-1308)
			739.165	am	(P-455)	811.762	am	(P-8726/93.A-1308)
			739.166	am	(P-455)	811.763	am	(P-8726/93.A-1308)
			739.167	am	(P-455)	811.764	am	(P-8726/93.A-1308)
			739.168	am	(P-455)	811.765	am	(P-8726/93.A-1308)
			739.169	am	(P-455)	811.766	am	(P-8726/93.A-1308)
			739.170	am	(P-455)	811.767	am	(P-8726/93.A-1308)
			739.171	am	(P-455)	811.768	am	(P-8726/93.A-1308)
			739.172	am	(P-455)	811.769	am	(P-8726/93.A-1308)
			739.173	am	(P-455)	811.770	am	(P-8726/93.A-1308)
			739.174	am	(P-455)	811.771	am	(P-8726/93.A-1308)
			739.175	am	(P-455)	811.772	am	(P-8726/93.A-1308)
			739.176	am	(P-455)	811.773	am	(P-8726/93.A-1308)
			739.177	am	(P-455)	811.774	am	(P-8726/93.A-1308)
			739.178	am	(P-455)	811.775	am	(P-8726/93.A-1308)
			739.179	am	(P-455)	811.776	am	(P-8726/93.A-1308)
			739.180	am	(P-455)	811.777	am	(P-8726/93.A-1308)
			739.181	am	(P-455)	811.778	am	(P-8726/93.A-1308)
			739.182	am	(P-455)	811.779	am	(P-8726/93.A-1308)
			739.183	am	(P-455)	811.780	am	(P-8726/93.A-1308)
			739.184	am	(P-455)	811.781	am	(P-8726/93.A-1308)
			739.185	am	(P-455)	811.782	am	(P-8726/93.A-1308)
			739.186	am	(P-455)	811.783	am	(P-8726/93.A-1308)
			739.187	am	(P-455)	811.784	am	(P-8726/93.A-1308)
			739.188	am	(P-455)	811.785	am	(P-8726/93.A-1308)
			739.189	am	(P-455)	811.786	am	(P-8726/93.A-1308)
			739.190	am	(P-455)	811.787	am	(P-8726/93.A-1308)
			739.191	am	(P-455)	811.788	am	(P-8726/93.A-1308)
			739.192	am	(P-455)	811.789	am	(P-8726/93.A-1308)
			739.193	am	(P-455)	811.790	am	(P-8726/93.A-1308)
			739.194	am	(P-455)	811.791	am	(P-8726/93.A-1308)
			739.195	am	(P-455)	811.792	am	(P-8726/93.A-1308)
			739.196	am	(P-455)	811.793	am	(P-8726/93.A-1308)
			739.197	am	(P-455)	811.794	am	(P-8726/93.A-1308)
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200.40	am	(P.22)	am	(P.1669/E-2124)	1212.80	am	(P.11279/93.A-2238)
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200.70	am	(P.22)	n	(P.956/E-1596)	1212.100	am	(P.11279/93.A-2238)
200.100	am	(P.22)	n	(P.956/E-1596)	1212.110	am	(P.11279/93.A-2238)
200.120	r	(P.22)	n	(P.956/E-1596)	1212.115	am	(P.11279/93.A-2238)
200.160	r	(P.22)	n	(P.956/E-1596)	1212.120	am	(P.11279/93.A-2238)
200.170	r	(P.22)	n	(P.956/E-1596)	1212.122	n	(P.11279/93.A-2238)
200.180	r	(P.22)	n	(P.956/E-1596)	1212.124	n	(P.11279/93.A-2238)
200.200	r	(P.22)	n	(P.956/E-1596)	1212.126	am	(P.11279/93.A-2238)
200.230	r	(P.22)	n	(P.956/E-1596)	1212.130	am	(P.11279/93.A-2238)
200.240	r	(P.22)	n	(P.956/E-1596)	1212.140	n	(P.11279/93.A-2238)
200.250	r	(P.22)	n	(P.956/E-1596)	1212.150	am	(P.11279/93.A-2238)
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200.300	r	(P.22)	n	(P.956/E-1596)	1212.170	n	(P.37)
200.310	r	(P.22)	n	(P.956/E-1596)	1212.170	n	(P.37)
200.320	r	(P.22)	n	(P.956/E-1596)	1212.170	n	(P.37)
200.330	r	(P.22)	n	(P.956/E-1596)	1212.170	n	(P.37)
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360.109	am	(P.1669/E-2124)	n	(P.956/E-1596)	2630.85	am	(P.855)
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360.305	am	(P.1669/E-2124)	n	(P.956/E-1596)	2770.105	am	(P.17628/93.A-250)
360.309	am	(P.1669/E-2124)	n	(P.956/E-1596)	2770.105	am	(P.17628/93.A-250)
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610.20	am	(P-14775/93.A-1875)	n	(P-9654/93.A-2424)	596.40	n	(P-3086)	am	(P-1691)
610.30	am	(P-14775/93.A-1875)	n	(P-9654/93.A-2424)	596.100	n	(P-3086)	am	(P-1691)
610.40	am	(P-14775/93.A-1875)	n	(P-9654/93.A-2424)	596.120	n	(P-3086)	am	(P-1691)
610.50	am	(P-14775/93.A-1875)	n	(P-9654/93.A-2424)	596.130	n	(P-3086)	am	(P-1691)
1285.80	am	(P-14775/93.A-1875)	n	(P-9654/93.A-2424)	596.140	n	(P-3086)	am	(P-1691)
1285.80	am	(P-14775/93.A-1875)	n	(P-9654/93.A-2424)	596.150	n	(P-3086)	am	(P-1691)
1315.110	am	(P-580)	n	(P-9654/93.A-2424)	596.200	n	(P-3086)	am	(P-1691)
1315.110	am	(P-580)	n	(P-9654/93.A-2424)	596.210	n	(P-3086)	am	(P-1691)
1315.130	am	(P-580)	n	(P-9654/93.A-2424)	596.220	n	(P-3086)	am	(P-1691)
1315.140	am	(P-580)	n	(P-9654/93.A-2424)	596.230	n	(P-3086)	am	(P-1691)
1315.150	am	(P-580)	n	(P-9654/93.A-2424)	596.240	n	(P-3086)	am	(P-1691)
1315.160	am	(P-580)	n	(P-9654/93.A-2424)	596.300	n	(P-3086)	am	(P-1691)
1315.163	n	(P-580)	n	(P-9654/93.A-2424)	596.310	n	(P-3086)	am	(P-1691)
1315.170	am	(P-580)	n	(P-12205/93.A-1491)	596.320	n	(P-3086)	am	(P-1691)
1315.180	r	(P-580)	n	(P-12205/93.A-1491)	596.330	n	(P-3086)	am	(P-1691)
1315.200	am	(P-580)	n	(P-12205/93.A-1491)	596.340	n	(P-3086)	am	(P-1691)
1350.380	r	(P-580)	n	(P-12205/93.A-1491)	598.10	n	(P-3077)	am	(P-1691)
1350.100	am	(P-580)	n	(P-12205/93.A-1491)	598.20	n	(P-3077)	am	(P-1691)
1350.110	am	(P-580)	n	(P-12205/93.A-1491)	598.30	n	(P-3077)	am	(P-1691)
1350.120	am	(P-580)	n	(P-12188/93.A-1475)	598.100	n	(P-3077)	am	(P-1691)
1350.130	am	(P-580)	n	(P-12188/93.A-1475)	598.110	n	(P-3077)	am	(P-1691)
1350.140	am	(P-580)	n	(P-12188/93.A-1475)	598.120	n	(P-3077)	am	(P-1691)
1350.150	am	(P-580)	n	(P-12188/93.A-1475)	598.130	n	(P-3077)	am	(P-1691)
1350.160	am	(P-580)	n	(P-12188/93.A-1475)	598.140	n	(P-3077)	am	(P-1691)
1350.163	n	(P-580)	n	(P-12188/93.A-1475)	598.150	n	(P-3077)	am	(P-1691)
1350.170	am	(P-580)	n	(P-12104/93.A-1432)	672.100	am	(P-12228/93.A-2450)	am	(P-1691)
1350.180	r	(P-580)	n	(P-12104/93.A-1432)	672.105	am	(P-12228/93.A-2450)	am	(P-1691)
1350.200	am	(P-580)	n	(P-12104/93.A-1432)	672.115	am	(P-12228/93.A-2450)	am	(P-1691)
1400.30	am	(P-2566)	am	(P-12104/93.A-1432)	672.205	am	(P-12228/93.A-2450)	am	(P-1691)
1400.30	am	(P-2566)	am	(P-12104/93.A-1432)	672.210	am	(P-12228/93.A-2450)	am	(P-1691)
1400.50	am	(P-2566)	am	(P-12104/93.A-1432)	672.220	am	(P-12228/93.A-2450)	am	(P-1691)
1400.50	am	(P-2566)	am	(P-12104/93.A-1432)	672.225	am	(P-12228/93.A-2450)	am	(P-1691)
1400.80	am	(P-2566)	am	(P-12128/93.A-1453)	672.300	am	(P-12228/93.A-2450)	am	(P-1691)
1400.80	am	(P-2566)	am	(P-12128/93.A-1453)	672.310	am	(P-12228/93.A-2450)	am	(P-1691)
1400.80	am	(P-2566)	am	(P-12128/93.A-1453)	672.315	am	(P-12228/93.A-2450)	am	(P-1

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